JOURNALS

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF UTAH.

EIGHTEENTH ANNUAL SESSION.

FOR THE YEAR 1869.

SALT LAKE CITY:
GEORGE Q. CANNON, PUBLIC PRINTER; DESERET NEWS OFFICE.

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NAMES OF THE MEMBERS AND OFFICERS

OF THE

LEGISLATIVE ASSEMBLY OF THE TERRITORY OF UTAH,

WITH THE

STANDING COMMITTEES,

EIGHTEENTH ANNUAL SESSION.

MEMBERS OF THE COUNCIL.

SALT LAKE, TOOELE, SUMMIT AND GREEN RIVER COUNTIES:—WILFORD WOODRUFF, ALBERT CARRINGTON, A. O. SMOOT, JOSEPH A. YOUNG.

DAVIS AND MORGAN COUNTIES:—HECTOR C. HAIGHT.

WEBER AND BOX ELDER COUNTIES:—LORENZO SNOW.

CACHE AND RICH COUNTIES:—EZRA T. BENSON.

UTAH AND WASATCH COUNTIES:—L. E. HARRINGTON, AARON JOHNSON.

SANPETE AND SEVIER COUNTIES:—ORSON HYDE.

MILLARD AND JUAB COUNTIES:—THOMAS CALLISTER.

BEAVER, IRON AND PIUTE COUNTIES:—GEORGE A. SMITH.

WASHINGTON AND KANE COUNTIES:—ERASTUS SNOW.

OFFICERS OF THE COUNCIL.

GEO. A. SMITH, President.
PATRICK LYNCH, Secretary.
CHARLES W. STAYNER, Assistant Secretary.
J. D. T. McALLISTER, Sergeant-at-Arms.
CHARLES W. CARRINGTON, Messenger.
CHARLES W. SMITH, Foreman.
JOSEPH YOUNG, Sen., Chaplain.

STANDING COMMITTEES OF THE COUNCIL.

On Judiciary—L. E. HARRINGTON, A. O. SMOOT, JOS. A. YOUNG.

On Claims and Appropriations—ERASTUS SNOW, W. WOODRUFF, THOMAS CALLISTER.

On Petitions and Memorials—LORENZO SNOW, E. T. BENSON, ORSON HYDE.

On Revenue—ORSON HYDE, A. O. SMOOT, JOSEPH A. YOUNG, AARON JOHNSON.

On Elections—JOSEPH A. YOUNG, A. O. SMOOT, THOMAS CALLISTER.

On Counties—E. T. BENSON, H. C. HAIGHT, ORSON HYDE.

On Roads, Bridges, Ferries and Kanyons—LORENZO SNOW, HECTOR C. HAIGHT, JOSEPH A. YOUNG, AARON JOHNSON.

On Engrossing—JOSEPH A. YOUNG, LORENZO SNOW, L. E. HARRINGTON.

On Education—E. SNOW, A. O. SMOOT, O. HYDE.

On Printing—JOS. A. YOUNG, L. E. HARRINGTON, ERASTUS SNOW.

On Library—A. O. SMOOT, THOS. CALLISTER, EZRA T. BENSON.

On Agriculture, Trade and Manufactures—W. WOODRUFF, E. SNOW, A. O. SMOOT.

On Militia—AARON JOHNSON, JOS. A. YOUNG, THOS. CALLISTER, E. SNOW.

On Municipal Corporations and Town Sites—A. O. SMOOT, JOS. A. YOUNG, HECTOR C. HAIGHT, L. E. HARRINGTON.

On Private Incorporations and Telegraph Companies—JOS. A. YOUNG, E. T. BENSON, ERASTUS SNOW, A. O. SMOOT.

On Public Domain and School Lands—THOMAS CALLISTER, AARON JOHNSON, H. C. HAIGHT.

On Penitentiary—HECTOR C. HAIGHT, AARON JOHNSON, A. O. SMOOT.

On Indian Affairs—E. SNOW, THOS. CALLISTER, A. O. SMOOT.

On Irrigation and Canals—JOS. A. YOUNG, E. SNOW, W. WOODRUFF.

On Postal Affairs—E. SNOW, E. T. BENSON, HECTOR C. HAIGHT.

On Revision—L. E. HARRINGTON, H. C. HAIGHT, A. O. SMOOT.

On Unfinished Business—JOS. A. YOUNG, AARON JOHNSON, THOS. CALLISTER.

On Mineral Resources—ORSON HYDE, AARON JOHNSON, ERASTUS SNOW.

On Railroads—JOS. A. YOUNG, E. T. BENSON, ORSON HYDE.

MEMBERS OF THE HOUSE.

WASHINGTON AND KANE COUNTIES:—WM. SNOW.
IRON COUNTY:—SILAS S. SMITH.
BEAVER AND PIUTE COUNTIES:—JOHN R. MURDOCK.
MILLARD COUNTY:—F. M. LYMAN.
JUAB COUNTY:—JONATHAN MIDGLEY.
SANPETE AND SEVIER COUNTIES:—W. S. SEELY and GEO. TAYLOR.
UTAH COUNTY:—WM. B. PACE, DAVID EVANS and ALBERT K. THURBER.
WASATCH COUNTY:—ABRAM HATCH.
SUMMIT COUNTY:—WM. W. CLUFF.
SALT LAKE COUNTY:—JOHN TAYLOR, A. P. ROCKWOOD, ENOCH REESE, ORSON PRATT, SEN., BRIGHAM YOUNG, JUN. and JOS. F. SMITH.
TOOELE COUNTY:—JOHN ROWBERRY.
DAVIS AND MORGAN COUNTIES:—WM. R. SMITH and WILLARD G. SMITH.
WEBER COUNTY:—CHAUNCEY W. WEST and LORIN FARR.
BOX ELDER COUNTY:—JONATHAN C. WRIGHT.
CACHE AND RICH COUNTIES:—PETER MAUGHAN and C. C. RICH.

OFFICERS OF THE HOUSE.

ORSON PRATT, SEN., Speaker.
ROBERT L. CAMPBELL, Chief Clerk.
JOSEPH C RICH, Assistant Clerk.
S. H. B. SMITH, Sergeant-at-Arms.
ABINADI PRATT, Messenger.
GEO. W. SLADE, Foreman.
W. W. PHELPS, Chaplain.

STANDING COMMITTEES OF THE HOUSE.

On Judiciary—LORIN FARR, JONATHAN C. WRIGHT, CHAUNCEY W. WEST, ALBERT K. THURBER, SILAS S. SMITH.

On Claims and Appropriations—CHARLES C. RICH, LORIN FARR, ALBERT P. ROCKWOOD, WILLIAM R. SMITH.

On Petitions and Memorials—JOHN TAYLOR, JONATHAN C. WRIGHT, JOSEPH F. SMITH, ABRAM HATCH.

On Revenue—ALBERT K. THURBER, PETER MAUGHAN, JONATHAN MIDGLEY, WILLIAM R. SMITH.

On Elections—PETER MAUGHAN, WILLARD G. SMITH, JOHN R. MURDOCK.

On Counties—WILLIAM B. PACE, BRIGHAM YOUNG, JR., ABRAM HATCH.

On Roads, Bridges, Ferries and Kanyons—ALBERT P. ROCKWOOD, DAVID EVANS, JOHN ROWBERRY, WILLIAM S. SEELY.

On Engrossing—JOSEPH F. SMITH, WILLIAM W. CLUFF, JONATHAN MIDGLEY.

On Education—JOHN TAYLOR, JOSEPH F. SMITH, WILLIAM W. CLUFF.

On Printing—JONATHAN MIDGLEY, SILAS S. SMITH, BRIGHAM YOUNG, JR., JOHN R. MURDOCK.

On Library—FRANCIS M. LYMAN, WILLIAM B. PACE, WILLIAM W. CLUFF.

On Agriculture, Trade and Manufactures—ENOCH REESE, WILLIAM S. SEELY, ALBERT P. ROCKWOOD, CHARLES C. RICH, WILLIAM SNOW.

On Militia—BRIGHAM YOUNG, JR., CHAUNCEY W. WEST, ALBERT K. THURBER, GEORGE TAYLOR, WILLIAM B. PACE.

On Penitentiary—ENOCH REESE, WILLIAM SNOW, GEORGE TAYLOR, WILLIAM B. PACE.

Indian Affairs—CHARLES C. RICH, WILLIAM S. SEELY, WILLIAM SNOW.

On Irrigation and Canals—CHAUNCEY W. WEST, FRANCIS M. LYMAN, DAVID EVANS, ABRAM HATCH.

On Postal Affairs—WILLIAM W. CLUFF, JONATHAN C. WRIGHT, WILLIAM R. SMITH, WILLIAM SNOW, WILLARD G. SMITH.

On Revision—LORIN FARR, WILLARD G. SMITH. CHAUNCEY W. WEST, WILLIAM S. SEELY.

On Unfinished Business—SILAS S. SMITH, A. P. ROCKWOOD, GEORGE TAYLOR, FRANCIS M. LYMAN.

On Mineral Resources—PETER MAUGHAN, JOHN ROWBERRY, WILLIAM W. CLUFF, FRANCIS M. LYMAN.

On Railroads—JOHN TAYLOR, BRIGHAM YOUNG, JR., CHAUNCEY W. WEST, LORIN FARR.

On Municipal Corporations and Town Sites—ALBERT P. ROCKWOOD, LORIN FARR, JOSEPH F. SMITH, ENOCH REESE.

On Private Incorporations and Telegraph Companies—JONATHAN C. WRIGHT, DAVID EVANS, JOHN R. MURDOCK.

On Public Domain and School Lands—JOHN ROWBERRY, CHARLES C. RICH, DAVID EVANS, JOHN R. MURDOCK.

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EIGHTEENTH ANNUAL SESSION.

MONDAY, JANUARY 11th, 1869.

COUNCIL.

COUNCIL CHAMBER, City Hall,
Salt Lake City, Jan 11, 1869, 10 a.m.

Pursuant to an Act of February 21st, 1868, to provide for convening the eighteenth and subsequent annual sessions of the Legislative Assembly, the members of the Council of the Legislative Assembly met in the Council Chamber in the City Hall, at 10 o'clock a.m.

Meeting was called to order by Patrick Lynch, Esq., Secretary of last session, who then proceeded to call the roll. Quorum present.

On motion of Councilor Hyde, Councilor George A. Smith was elected President.

On motion of Councilor Benson, Patrick Lynch was elected Secretary.

On motion of Councilor Woodruff, Chas. W. Stayner was elected Assistant Secretary.

On motion of Councilor Harrington, J. D. T. McAllister was elected Sergeant-at-Arms.

On motion of Councilor Smoot, Chas. W. Carrington was elected Messenger.

On motion of Councilor Callister, Chas. W. Smith was elected Foreman.

On motion of Councilor Hyde, Joseph Young, Sen., was elected Chaplain.

Prayer by Elder J. D. T. McAllister.

The Hon. Secretary of the Territory administered the oath to the Officers.

The following communication was received from the House:

House of Representatives,
Salt Lake City, Jan. 11, 1869.

To the Honorable the President, and
Members of the Council:

Gentlemen:—The House of Representatives has organized and elected the following officers:

ORSON PRATT, SEN., Speaker.
ROBERT L. CAMPBELL, Chief Clerk.
JOSEPH C. RICH, Assistant Clerk.
S. H. B. SMITH, Sergeant-at-Arms.
ABINADI PRATT, Messenger.
GEO. W. SLADE, Foreman.
W. W. PHELPS, Chaplain.

Very Respectfully,
ORSON PRATT, Sen., Speaker.
ROBT. L. CAMPBELL, Chief Clerk.

Moved by Councilor Harrington, that the President appoint a committee, to act with a like committee of the House, to wait upon His Excellency the Governor, and inform him that the Council and House of Representatives of the eighteenth annual session of the Legislative Assembly of the Territory of Utah are organized and ready to receive any communication he may be pleased to make.

Seconded and carried.

The President appointed Councilors Harrington, Callister and Benson said committee.

Councilor Harrington, chairman of the committee appointed to wait upon the Governor, reported that they had visited His Excellency Governor Higgins, and informed him that this Legislative Assembly was now organized, and would be ready to-morrow to receive any communications from him that he might have to make, at or which time he purposed to send in his Annual Message to the Legislative Assembly of the Territory of Utah, at 10 o'clock a. m.

Moved by Councilor Benson, that the Council meet the House of Representatives in Joint Session to-morrow at 10 o'clock, a. m., in their Hall, to receive any communication that the Governor may please to deliver.

Seconded and carried.

The following Standing Committees were appointed by the President:

STANDING COMMITTEES OF THE COUNCIL.

On Judiciary—L. E. HARRINGTON, A. O. SMOOT, JOS. A. YOUNG.

On Claims and Appropriations—ERASTUS SNOW, W. WOODRUFF, THOMAS CALLISTER.

On Petitions and Memorials—LORENZO SNOW, E. T. BENSON, ORSON HYDE.

On Revenue—ORSON HYDE, A. O. SMOOT, JOSEPH A. YOUNG, AARON JOHNSON.

On Elections—JOSEPH A. YOUNG, A. O. SMOOT, THOMAS CALLISTER.

On Counties—E. T. BENSON, H. C. HAIGHT, ORSON HYDE.

On Roads, Bridges, Ferries and Kanyons—LORENZO SNOW, HECTOR C. HAIGHT, JOSEPH A. YOUNG, AARON JOHNSON.

On Engrossing—JOSEPH A. YOUNG, LORENZO SNOW, L. E. HARRINGTON.

On Education—E. SNOW, A. O. SMOOT, O. HYDE.

On Printing—JOS. A. YOUNG, L. E. HARRINGTON, ERASTUS SNOW.

On Library—A. O. SMOOT, THOS. CALLISTER, EZRA T. BENSON.

On Agriculture, Trade and Manufactures—W. WOODRUFF, E. SNOW, A. O. SMOOT.

On Militia—AARON JOHNSON, JOS. A. YOUNG, THOS. CALLISTER, E. SNOW.

On Municipal Corporations and Town Sites—A. O. SMOOT, JOS. A. YOUNG, HECTOR C. HAIGHT, L. E. HARRINGTON.

On Private Incorporations and Telegraph Companies—JOS. A. YOUNG, E. T. BENSON, ERASTUS SNOW, A. O. SMOOT.

On Public Domain and School Lands—THOMAS CALLISTER, AARON JOHNSON, H. C. HAIGHT.

On Penitentiary—HECTOR C. HAIGHT, AARON JOHNSON, A. O. SMOOT.

On Indian Affairs—E. SNOW, THOS. CALLISTER, A. O. SMOOT.

On Irrigation and Canals—JOS. A. YOUNG, E. SNOW, W. WOODRUFF.

On Postal Affairs—E. SNOW, E. T. BENSON, HECTOR C. HAIGHT.

On Revision—L. E. HARRINGTON, H. C. HAIGHT, A. O. SMOOT.

On Unfinished Business—JOS. A. YOUNG, AARON JOHNSON, THOS. CALLISTER.

On Mineral Resources—ORSON HYDE, AARON JOHNSON, ERASTUS SNOW.

On Railroads—JOS. A. YOUNG, E. T. BENSON, ORSON HYDE.

The following communication was received from the House:

House of Representatives,
Salt Lake City, Jan. 11, 1869.

To the Honorable the President and
Members of the Council:

The House would be pleased to meet the Council in Joint Session at 10.30 a.m. to-morrow, to receive the Governor's Message.

Very Respectfully,
ORSON PRATT, Sen., Speaker.

Minutes called for, read and accepted.

On motion of Councilor Benson, Council adjourned till 10 a.m. to-morrow.

Benediction by President Smith.

HOUSE.

REPRESENTATIVES' HALL, City Hall,
Salt Lake City, Jan. 11, 1869.

The members elect of the House of Representatives, of the Legislative Assembly, of the Territory of Utah, convened in the City Hall, pursuant to law.

The House was called to order by Mr. Robert L. Campbell, Chief Clerk of the former House, who read the following:

Secretary's Office, U. T., Salt Lake City,
January 11, 1869.

I hereby certify that the persons named in the following list comprise the Eighteenth Annual Session of the House of the Utah Assembly, and were elected to the same on the 3d day of August, 1868, as shown by the returns on file in my office.

EDWIN HIGGINS, Secretary Utah Territory.

WASHINGTON AND KANE COUNTIES:—WM. SNOW.
IRON COUNTY:—SILAS S. SMITH.
BEAVER AND PIUTE COUNTIES:—JOHN R. MURDOCK.
MILLARD COUNTY:—F. M. LYMAN.
JUAB COUNTY:—JONATHAN MIDGLEY.
SANPETE AND SEVIER COUNTIES:—W. S. SEELY, and GEO. TAYLOR.
UTAH COUNTY:—WM. B. PACE, DAVID EVANS and ALBERT H. THURBER.
WASATCH COUNTY:—ABRAM HATCH.
SUMMIT COUNTY:—WM. W. CLUFF.
SALT LAKE COUNTY:—JOHN TAYLOR, A. P. ROCKWOOD, ENOCH REESE, ORSON PRATT, Sen., BRIGHAM YOUNG, JOSIAH and JOS. F. SMITH.

TOOELE COUNTY:—JOHN ROWBERRY.
DAVIS AND MORGAN COUNTIES:—WM. R. SMITH and WILLARD G. SMITH.
WEBER COUNTY:—CHAUNCEY W. WEST and LORIN FARR.
BOX ELDER COUNTY:—JONATHAN C. WRIGHT.
CACHE AND RICH COUNTIES:—PETER MAUGHAN and C. C. RICH.

The Chief Clerk announced a quorum present.

On motion of Mr. Farr, the members elect were qualified by the Hon. Edwin Higgins, Secretary of the Territory.

On motion of Mr. John Taylor, Mr. Orson Pratt, sen. was elected Speaker.

On motion of Mr. Rich, Mr. Robert L. Campbell was elected Chief Clerk.

On motion of Mr. Maughan, Mr. Joseph C. Rich was elected Assistant Clerk.

On motion of Mr. Rockwood, Mr. S. H. B. Smith was elected Sergeant-at-Arms.

On motion of Mr. J. F. Smith, Mr. Abinadi Pratt was elected Messenger.

On motion of Mr. Midgley, Mr. G. W. Slade was elected Foreman.

On motion of Mr. Farr, Mr. W. W. Phelps was elected Chaplain.

On motion of Mr. Jos. F. Smith, Mr. F. S. Richards was elected Engrossing Clerk.

Hon. Edwin Higgins also administered the oath of office to the Speaker, Chief Clerk, Assistant Clerk, Sergeant-at-Arms, Messenger, Foreman, Chaplain and Engrossing Clerk.

Prayer by Hon. John Taylor.

On motion of Mr. Rockwood, the Council was notified that the House was duly organized.

The following message was received and read:

Council Chamber, Jan. 11, 1869.

Hon. Orson Pratt, sen., Speaker of the
House of Representatives:

Sir:—The Council is now duly organized, by electing the following officers:

GEO. A. SMITH, President.
PATRICK LYNCH, Secretary.
CHARLES W. STAYNER, Assistant-Secretary.
J. D. T. McALLISTER, Sergeant-at-Arms.
CHARLES W. CARRINGTON, Messenger.
CHARLES W. SMITH, Foreman.
JOSEPH YOUNG, Sen., Chaplain.

Very respectfully,
GEO. A. SMITH, President of the Council.

Mr. Farr moved that there be a committee of three appointed by the Speaker, to act with a like committee from the Council, to notify His Excellency the Governor, that both Houses are now organized and prepared to receive any communication he may have to make. Seconded and carried.

The Speaker appointed Messrs. John Taylor, B. Young, Jr. and J. F. Smith said committee.

Mr. John Taylor, chairman of the committee appointed to act in connection with a like committee from the Council, to wait upon His Excellency the Governor, reported that His Excellency would be pleased to communicate with the Assembly at 11 a.m. to-morrow.

The following message was received and read:

Council Chamber, Jan. 11, 1869.

Hon. Orson Pratt, Sen., Speaker of the
House of Representatives:

Sir:—The Council would like to meet with the House of Representatives, in the Representatives' Hall to-morrow at 10.30 a.m., to receive the Governor's Message.

Very respectfully,
GEO. A. SMITH, President of the Council.

On motion of Mr. Rockwood, the Council was notified that the House would be pleased to meet the Council in Joint Session at 10.30 a.m. to-morrow to receive the Governor's Message.

Minutes called for, read and accepted.

On motion of Mr. Pace, the House adjourned till to-morrow at 10 a.m.

Benediction by B. Young, junior.

———:o:———

TUESDAY, JANUARY 12, 1869.

———o———

COUNCIL.

COUNCIL CHAMBER, City Hall,
Salt Lake City, Jan. 12, 1869, 11 a.m.

Council met pursuant to adjournment.

Roll called. Quorum present.

Prayer by the Chaplain.

Councilor Harrington presented C. F. No. 1, "An Act regulating service of process in certain cases," which was read, and,

On motion of Councilor Benson, was referred to the committee on judiciary.

Council went into Joint Session.

JOINT SESSION.

Representatives' Hall, Salt Lake City,
January 12, 1869, 11 a.m.

The Assembly met in Joint Session according to previous agreement.

The President of the Council presiding.

The Secretary of the Council called the Council roll. Quorum present.

The roll of the House was called by the Chief Clerk. Quorum present.

Prayer by the Chaplain of the Council.

His Excellency Acting Governor Higgins, having through his private Secretary sent in his annual Message with accompanying documents, it was read by the Chief Clerk of the House.

GOVERNOR'S MESSAGE

TO THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF UTAH.

EXECUTIVE OFFICE, U. T.
Salt Lake City, Jan. 11th, 1869.

GENTLEMEN OF THE LEGISLATIVE ASSEMBLY:

On account of the absence from the Territory of His Excellency, Governor Durkee, for the purpose of recuperating his failing health, it devolves upon me to perform the duty annually incumbent upon the Executive, to address your Honorable Body concerning the progress during the past year of affairs of general and local interest, and to advise with you touching such matters as may appear to need further legislation, as well as to draw your attention to other objects which require your consideration.

It may be observed that the recommendations made include many subjects which have heretofore been referred to. Concerning such matters it may be well to draw your attention to the increased importance of ther nature. The population of the Territory is being continually augmented; intercourse with other communities has become more common, and the classes of people, connected with commercial and other interests, are becoming greater in number. As a consequence, laws which were adapted to the circumscribed wants of the people of the Territory in their former condition, do not, in all cases, meet the requirements of the position into which they are brought by the progress of events.

The more extensive and general the business relations of a people become, the more particularity is there required in the laws governing the pursuits in which its members are engaged, and subjects which before required little or no attention, also become of importance, requiring the enactment of laws to regulate their course. Being a body organized directly from among the people, you are probably conversant with such legislation as may be necessary to place them in harmony with the relations into which they are thus being placed, and to that object your especial attention is invited.

NATIONAL AFFAIRS.

During the past year many events have transpired, the results of which will have an important bearing upon the future welfare of our country, among which the Presidential election lately held in the States, may be considered.

Although, as a Territory, we have no voice in the choosing of a Chief Magistrate of the nation, yet, as loyal citizens, we cannot but feel a deep interest in the issues which arise among the political parties of the day. Living upon the public domain, which is directly under the control of the legislative power of the Union, the principles or ideas entertained by the dominant party therein become the more important to us, inasmuch as they affect indirectly our prosperity.

As far as can be foreseen, the triumph of the principles of the Republican party indicated by the election of General Grant to the Presidency, will be beneficial to the country. The uniform success which has attended the public acts of the President elect, by which he has won the confidence of his fellow-citizens, justifies the expectation that with the incoming of his administration renewed vigor will be given to projects looking to the advancement of the nation towards greater harmony, wealth and prosperity.

NORMAL SCHOOL.

In connection with the school system established in this Territory, I would suggest the propriety of legislation authorizing the institution and carrying on of a Normal School, for the purpose of preparing competent teachers for the schools of the different districts. The advantages to be derived from such a school are too obvious to need amplification. A uniform and requisite knowledge by instructors of those branches necessary to the proper development of the minds of the young, greatly increases the probability that their progress will be rapid in their studies, and gives the public confidence that proper measures are being taken for the advancement of the educational interests of the country.

FREE SCHOOLS.

By an Act providing for the establishment and support of Common Schools, approved Jan. 19, 1866, it was enacted in section seven, that the Trustees, authorized to be elected by section four of the same Act, should have the power to assess a tax of one-fourth of one per cent. on all taxable property in their respective districts, to build and keep in repair suitable buildings for the accommodation of schools, and for other school purposes; they were also authorized to increase the amount of taxation, if sufficient means could not be obtained for the object contemplated by the rate of tax mentioned, to any rate not exceeding three per cent., as should be decided by a vote of two-thirds of the tax payers voting at a meeting called for the purpose, also, by the same section, and in a similar manner, a sum not exceeding one per cent. per annum was authorized to be assessed, to pay teachers, supply books and furnish other necessary adjuncts to schools.

This Act undoubtedly looked to the establishment of Free Schools, but as the first section of it left it to the option of the inhabitants of the several districts, whether they should give effect to the provisions of the Act or not, that object has been far from attained.

The organization of schools as they now exist, is based upon a combination of the plans by which Select and Common Schools [illegible] supported by taxation, tuition fees, and voluntary contributions [illegible] in order to procure means to carry them on, but I [illegible] the existence of a single Free School in the

Upon referring to the yearly report made by the Superintendent of Common Schools to your body for the year 1867, it will be observed that the number of children between the ages of four and sixteen years, residing in the 161 districts furnishing returns to him, was 21,316, of whom, only 12,539 were enrolled as attending school. Here, as in every State and Territory, there is a class of persons living, who are in indigent circumstances, and to whom to pay the smallest amount for the education of their children, would be a burden. Others, from not fully considering the subject, are not aware of the importance of education, and consequently allow their children to grow up in ignorance, rather than furnish the means for their improvement, and it is presumed that the large per centage of children not being educated is owing to the existence of these classes in our midst.

In his report for the year 1864, the Superintendent states that he "does not favor education by taxation, because, while the sentiments of the people are favorable to education, they are equally unfavorable to taxation," and that "while under the present regulations many tax themselves from one to four per cent. and pay it willingly to the school teacher, would feel very differently were the Territory to asume the assessment and collection of such a heavy tax." While taxation is conceded to be vexatious, it is submitted whether, considering the great importance of the subject, it is better to allow the prejudice of a few against paying a required amount to a Territorial officer, to subvert the interests of the public generally, by depriving a portion of the children of the Territory of school privileges.

All classes of persons are interested, directly or indirectly, in the establishment of Free Schools—directly by having children of their own to educate, or indirectly by the obligations under which every member of society is placed to favor all enterprises tending to the common weal. By an equal assessment on taxable property, as contemplated by the Act of 1866, it is presumed that sufficient means might be procured to extend the facilities for education to every child in the Territory—affording to the rich and poor an equal chance at the fountain of knowledge.

It is therefore suggested that the Act of 1866 be amended, so as to allow the assessment and collection of a sum sufficient for the support of Free Schools throughout the Territory, to be assessed in connection with other Territorial taxes, and that the provisions of the same be required to be carried out.

MEMORIALS TO CONGRESS.

Our Honorable Delegate succeeded, upon the representations made in the Memorial addressed to that body at the last session of the Assembly, in obtaining prompt action upon a bill for the establishment of a Land Office for the Territory, which is a matter of congratulation.

However, owing to the fact that the corners established by the different parties employed in the survey of the Public Lands in the Territory having been of so unsubstantial a character, that but few, if any of them, can be found in existence, a re-survey will have to be made before settlers can procure a complete title to their lands from the Government. This fact, I am informed by the Surveyor General of the Territory, has been brought to the notice of the proper authorities in Washington, with the suggestion that the

money appropriated at the last session of Congress for Public Surveys be used in a re-survey of such portions of the Public Lands found to be available for settlement and cultivation. Should this not be authorized, I would suggest that Congress be memorialized to make an appropriation of $60,000 for the purpose, that sum being considered necessary by the Surveyor-General.

The building now being used for the confinement of Penitentiary convicts is not of sufficient size, and improper ventilation and other causes, render it unsuitable for that purpose, and it is suggested that a memorial be addressed to Congress, asking that the Internal Revenue derived from this Territory, for a period of sufficient length to obtain the requisite amount, be set aside for the purpose of providing the necessary Penitentiary accommodations. Appropriations of this character have been made by Congress for the Territories of Montana and Idaho, and no good reason seems to exist why a like policy should not be extended to this Territory.

CONFINEMENT OF PRISONERS.

There is a want of of legislation providing for the reception and sustenance of prisoners brought from other Counties in the Territory to be confined in prisons situated in the County of Salt Lake.

The lack of secure places of confinement throughout the Territory, necessitates the commitment of nearly all persons whose imprisonment becomes necessary, to the prison provided in this County.

In the cases of offenders against the laws of the Territory, I am informed that it is the practice to receive and keep them, charging the cost of their keeping to the respective Counties from which they are sent.

This is the correct course of proceeding; but while it is not authorized by legislative enactment, officers of prisons are not compelled to receive those committed to their care from places outside of a certain limit, thus leaving it in a manner discretionary with a mere ministeral officer, whether persons brought to them shall be incarcerated or not.

More particularly is the want of legislation felt in cases where offenders against the laws of the United States are concerned.

Section eight, of an Act in relation to the Penitentiary, approved Jan. 20, 1880, provides that the Warden "shall receive all persons duly committed," but probably on account of a re-imbursement of the necessary expense of keeping a prisoner of this kind, not being so readily or easily secured as in the case of a Territorial offender, officers of the Territorial Penitentiary have repeatedly refused to receive persons committed to their charge by United States officials. No other place being provided for their confinement, the result of this is, that they have had to be either turned loose, without an opportunity being given of having their guilt or innocence established, or turned over to the military authorities to be cared for. The injustice of the former course, both to the person and to the public, is apparent to all, and the latter course should never be pursued, except in cases where the civil authorities are incapable of enforcing the civil laws of the country.

[illegible] should be made whereby all persons committed by [illegible] and in a proper manner, can be confined at [illegible] subject to reimbursement from the

proper source for the cost of their keeping, and the subject is respectfully submitted for your consideration.

"CHAIN GANGS."

The system of chain gang labor now in vogue here, is a relic of barbarism, needlessly exposing convicts to the public gaze, and tending to harden rather than reform them.

Punishment of a criminal has for its principal object, his reformation and not his disgrace, and confinement, with proper labor, would be of greater efficacy in reforming culprits than their exposure and consequent degredation in the manner mentioned.

INTEREST LAW.

The Interest Law passed by your Honorable body at its last session, declares "That it shall not be lawful to take more than ten per cent. interest per annum, when the amount of interest has not been specified or agreed upon."

According to the legal construction put upon the language of this Act, a creditor is obliged to prove the amount of damages sustained by him to have amounted to ten per cent. per annum of his claim, in all cases where the rate of interest has not been specified, in order to be able to collect that amount; and although in no such cases can more than ten per cent. per annum be collected, yet it is presumed that your intention was to avoid trouble and delay in litigation, by declaring expressly the rate of interest creditors should receive when it is not specified. It is therefore necessary that the Act in question be amended, in order to give it the efficacy intended.

LIMITED PARTNERSHIPS.

The first section of an Act concerning Partnerships passed by the Legislative Assembly of the Territory, approved Jan. 14, 1857, provides that "the private property of persons engaged in co-partnerships shall be held liable for the debts of the firm, when the partnership property shall prove insufficient to pay them."

This section is but an affirmance of a common law principle, but its applicability to the interests of a community, in view of the increased extent and value of investments in commercial enterprises has been questioned. In many States of the Union, the contrary doctrine has been enacted, and it is suggested that the statute mentioned be amended, so as to make persons entering into partnerships liable to creditors of the firm, as such, only to a certain fixed sum, the amount of which shall be the subject of agreement between the parties, and made known in a manner which may also be provided for.

GENERAL INCORPORATION ACT.

A law passed by Congress, March 2, 1867, prohibits the Legislatures of the different Territories from granting private charters or especial privileges, but they may, in the language of the statute, "By general Incorporation Acts, permit persons to associate themselves together as bodies corporate, for mining, manufacturing, and other industrial pursuits."

An Act of that character, properly defining the rights, powers and liabilities of the stockholders, would be of great utility in forwarding the commercial and other interests of the people, and should be incorporated among the Statutes of this Territory.

LIEN LAW.

According to the common law, a mechanic who labors in erecting or repairing buildings, has no lien upon such property, to secure a proper remuneration for his work.

Generally, laws of this character extend the lien to the land upon which the buildings may be situated, and it is respectfully suggested that such a provision be made a part of any legislation you may see fit to enter into respecting the subject.

INDIAN AFFAIRS.

During the past year but little if any trouble has been experienced by depredations being committed by members of Indian tribes residing in this Territory. Small parties of hostile Indians, coming from the Territories of Arizona and New Mexico, have occasionally extended their raids into the southern settlements, but on account of the watchfulness of the settlers and the faithfulness of friendly tribes in that neighborhood, but a small amount of damages have been sustained therefrom.

Owing to the hostile position assumed by many Indian tribes of the Western Territories, a stringent policy has had to be adopted by the military authorities of the country infested by them. That it should seem necessary to prosecute a severe and bloody war against such refractory tribes before a lasting peace can be secured with them, the dictates of humanity cause regret, and lead to the expression of the hope that the necessity will not long exist.

Considering the number of Indians residing in this Territory, it is a subject of congratulation that so little trouble has been lately experienced in dealing with them, and the effect of a change of the administration of their affairs from the Interior to the War Department, or to a separate Bureau, as contemplated by bills now pending before Congress, should be regarded with interest.

PACIFIC RAILROAD, MINERAL RESOURCES, ETC.

The consideration of matters of public moment would be incomplete, did I not refer to the progress made in the construction of the Pacific Railroad. During the past year nearly 1,000 miles of the two branches of this enterprise have been built, and only about 300 miles remain to be constructed to complete the line of communication across the continent.

The advantages to be derived from the building of this road cannot be fully foreseen as yet. By it the welfare of the entire Union will be advanced, inasmuch as it must enhance the national wealth and assimilate to a greater degree the interests of the East and West, by tending to infuse into every class of people uniformity of progress in knowledge, and similarity of character. It becomes particularly of local importance to the people of the West from the facilities it affords for immigration, exportation of products and importation of necessities, and every branch of our social and political life must consequently feel the influence of its existence.

The Territory of Utah comprises an extent of country rich in [illegible], capable, in process of development, of placing it among the first of the Western Territories in respect to population and [illegible]. The Pacific Railroad will afford great advantages for that [illegible] to be obtained, if the proper inducements are held [illegible] to prevent their [illegible] in developing our [illegible] and [illegible] to settle among us. Heretofore, the

little attention has been paid to the mining interests of the Territory, owing probably to the fact that projects of that nature have been considered unsafe for investments, on account of the great cost of machinery, labor, etc. Under existing circumstances, however, laws encouraging and protecting such investments, would tend to make the dormant wealth of the Territory available.

MINERALOGICAL CABINET.

Since the mineral products of the West are of so much importance, every possible means should be taken to place all the available information in regard to them at the disposal of the public. In furtherance of this purpose, it is suggested that provisions be made for the establishment of a Mineralogical Cabinet, in connection with a Territorial Library, and the employment of a competent person be authorized to arrange such specimens as may be readily secured by contribution from the inhabitants of the different counties.

TERRITORIAL FINANCES.

The annual reports of the Auditor and Treasurer of the Territory are herewith transmitted for your information and consideration. It will be seen that the Territorial finances are in such a condition as to place us in a position occupied by few of the States or Territories of the Union, and if public expenditures can be regulated with regard being had to available resources, as they seem to have been in the past, no reason exists why so favorable a condition should not be continued in the future.

CONCLUSION.

Having briefly alluded to such matters as have presented themselves as worthy or needful of your attention, it but remains for me to express my willingness and desire to join with you in securing what should be the main objects contemplated by all legislation—the future welfare and prosperity of the Territory.

It is to the enactment and enforcement of just laws that the people look for the protection of those rights, immunities and privileges, which, under a Republican form of government, accrue to them, and in assuming your share of the responsibilities of legislation, let the path of duty which presents itself, be followed without fear or favor, leaving the results to be tempered by the hand of that kind Providence which shapes all things to the accomplishment of His own good purposes.

EDWIN HIGGINS, Acting Governor.

AUDITOR'S REPORT.

To His Excellency, Chas.. Durkee,
Governor of Utah Territory:

Dear Sir:—Below please find statement of the financial transactions of the Territory for the year commencing December 13th, 1867 and ending December 12th, 1868, as appears on the books in this office.

The total value of taxable property assessed in the several counties comprising the Territory of Utah, and the amount of tax arising thereon, at one half of one per cent, is as follows, to wit:

COUNTY.	Value of Property Assessed. Dolls. Cts.	Am't of Territorial Tax. Dolls. Cts.
Salt Lake	$4379652 80	$21898 28
Utah	1172450 00	5862 25
Cache	809666 00	4048 33
Washington	526556 00	2632 78
Weber	503824 00	2519 12
Davis	488568 00	2442 84
Box Elder	390530 00	1952 65
Tooele	359842 00	1799 21
Sanpete	348878 00	1744 39
Millard	243770 00	1218 85
Summit	234378 00	1171 89
Iron	231622 00	1158 11
Juab	208920 00	1044 60
Morgan (estimated)	170000 00	850 00
Beaver	162328 00	811 89
Rich	134208 00	671 04
Wasatch	114624 00	573 12
Kane	54046 00	270 23
	$10533872 00	$52669 36

There has been no assessment in Piute and Sevier Counties, owing to the settlements having been broken up by Indian depredations. The cost of assessing and collecting the tax, together with ordinary remittances will be fully fifteen per cent. of the whole sum.

The total value of Auditor's Warrants drawn on the Territorial Treasury, during the year ending December 12th, 1868, is fifty-eight thousand four hundred and fifty-nine dollars, thirteen cents, which sum has been expended in payment of appropriations and accounts as follows, to say:

ROADS AND BRIDGES:

Paid on account of bridge across Ogden River, appropriated Feb. 21, 1868	$ 1495 15
Paid on Kaysville wagon road for release, Feb. 21, 1868	1000 00

Paid deficiency for Huntsville and Bear Lake road, Feb. 21, 1868	$ 244 52	
Paid additional appropriation for Huntsville and Bear Lake road, Feb. 21, 1868	500 00	
Paid C. C. Rich for building bridge across Blacksmith's Fork, Feb. 21, 1868	450 00	
Paid for improving road between Dog Valley and Cove Creek, Feb. 21, 1868	500 00	
Paid for bridge across Beaver River, Beaver Co., Feb. 21, 1868	500 00	
Paid for work on St. George and Lower Muddy roads, Jan. 19, 1866	260 00	
Paid for improving roads in Kane Co., Jan. 19, 1866	1182 00	
Paid on account of Beaver Dam and Muddy Valley roads, Feb. 21, 1868	962 37	
Paid on account of Kanarra and Harrisburg roads, Feb. 21, 1868	929 16	
Paid to assist in building bridge across Provo River, Feb. 21, 1868	6851 40	
Paid on account of bridge across American Fork, Feb. 21, 1868	690 00	
Paid for repairing Sevier bridge, damaged by high water, no appropriation	666 00	
Paid on account of Chalk Creek Kanyon road, Jan. 19, 1866	475 70	
Paid on account of State Road south of Salt Lake City, Jan. 18, 1867	7987 00	
Paid balance due on Salt Lake City and Wanship road, Feb. 21, 1868	10681 39	
Paid on account of Jordan bridge and State Road west, Feb. 21, 1868	126 36	
Paid A. Gardner on account of upper Jordan bridge, Feb. 21, 1868	700 00	36201 05
DESERET UNIVERSITY:		
Paid for procuring books for common schools, Feb. 21, 1868		5101 74
PENITENTIARY:		
Paid A. P. Rockwood, Warden, for services 1867, Feb. 21, 1868	1200 00	
Paid for current expenses of Penitentiary for 1868, Feb. 21, 1868	2000 000	3200 00
PUBLIC PRINTING:		
Paid balance for printing Laws of Utah, Jan. 18, 1867	3446 00	
Paid for printing books for militia, Feb. 21, 1868	329 25	
Paid for printing circulars to Assessors and Collectors, Feb. 21, 1868	23 00	3798 25
ADJT.-GEN'S. OFFICE:		
Paid balance due per last year's report, Jan. 18, 1867	517 83	

Paid appropriation for incidental expenses, etc., Feb. 21, 1868..... $2000 00

INDIAN EXPEDITION, 1867:

Paid for telegraph messages, Feb. 21, 1868..... 87 00
Paid for relief of Adam Paul, Feb. 21, 1868..... 50 00
Paid on account of relief of Major Vance's family, Feb. 21, 1868..... 250 00 387 00

TREASURER'S OFFICE.

Paid Treasurer's salary for the year 1868..... 400 00

AUDITOR'S OFFICE:

Paid balance due on Auditor's salary for 1867 28 33
Paid on account of services for the year 1868 500 00
Paid on account of extra services for 1867, Feb. 21, 1868..... 500 00
Paid for stationery for the year 1868, Feb. 21, 1868..... 96 50
Paid on account of printing Brand Sheets, Feb. 21, 1868..... 253 00
Paid for services of H. K. Cranny, Feb. 21, 1868..... 50 00 1428 16

SUPT. COMMON SCHOOLS:

Paid for services of Superintendent for the year 1867, Feb. 21, 1868..... 400 00
Paid expenses of visiting County Superintendents, Feb. 21, 1868..... 300 00
Paid stationery and incidentals for the year 1868, Feb. 21, 1868..... 65 00
Paid printing blank forms, etc., Feb. 21, 1868 35 00 800 00

ATTORNEY GENERAL:

Paid Z. Snow for services as deputy, Feb. 21, 1868 ..... 400 00

TERRITORIAL MARSHAL:

Paid J. D. T. McAllister for services, stationery, etc, for 1867, Feb. 21, 1868..... 632 35
Paid use of court and jury rooms for 1867, Feb. 21, 1868..... 305 00 937 35

SURVEYOR GENERAL:

Paid an account of balance due for maps, plats, etc., Jan. 19, 1866..... 150 00

ROAD COMMISSIONER:

Paid Theodore McKean for services 1867, Feb. 21, 1868..... 500 00
Paid Theodore McKean for stationery, postage, etc., Feb. 21, 1868..... 17 50 517 50

SUPT. METEOROLOGICAL OBSERVATIONS:

Paid balance due on salary for year 1867..... 45 65
Paid salary for the year 1868..... 200 00 245 65

TERRITORIAL LIBRARY.

Paid sundry persons on account of moving library, February 21, 1868		$ 268 00

INCIDENTAL EXPENSES.

Paid Patrick Lynch for services, stationery, etc., for 1867, Feb. 21, 1868		361 75
Paid Thomas Bullock, balance due on postal maps, etc., Jan. 19, 1866		50 00
Paid C. W. Staymer for services as engrossing clerk, Feb. 21, 1868		75 00
Paid A. F. Doremus for services as engrossing clerk, Feb. 21, 1868		75 00
Paid R. L. Campbell for services sundry persons, Feb. 21, 1868		50 00
Paid Hosea Stout for services and book, Feb. 21, 1868		25 00

D. & A. M. SOCIETY.

Paid balance due on account of irrigation statistics, Jan. 20, 1865	239 65	
Paid balance due on account of Agricultural Fund, Jan. 20, 1865	137 00	376 65
Paid on account of Agricultural Fund, in excess, no appropriation		72 70
Add Auditor's Warrants in circulation per report Dec. 17, 1867		1125 15
Total Auditor's Warrants afloat during the year 1868		5958 428
There has been redeemed at the Treasury during the year 1868		53889 80
Leaves Warrants outstanding at this date, amounting to		$ 5694 48

The unexpended balances of appropriations standing to the credit of sundry accounts on the Auditor's books are as follows:

ROADS AND BRIDGES.

To improve road between Farmington and Weber Kanyon, Feb. 21, 1868	500 00
To pay E. Ellsworth for his interest in Plain City Bridge, Feb. 21, 1868	385 00
For improving Sevier and Piute roads, Jan. 19, 1866	450 00
To improve road between St. George and Lower Muddy, Jan. 19, 1866	540 00
To improve road between St. George and Panacca, Jan. 19, 1866	256 65
To improve road between Beaver Dam and Muddy Valley, Feb. 21, 1868	537 63
To improve road between Kanarra and Harrisburg, Feb. 21 1868	70 84
To improve Spanish Fork and Thistle Creek	

Kanyon road, Jan. 20, 1865	$ 450 00
On account of building bridge across Provo river, Feb. 21, 1868	148 00
On account of bridge across American Fork river, Feb. 21, 1868	310 00
On account of extending Provo Kanyon road, Feb. 21, 1868	600 00
To improve Chalk Creek Kanyon road, Jan. 19, 1868	324 00
On account of Jordan bridge and State road west, Feb. 21, 1868	240 00
To relieve A. Gardner for bridge across Jordan Feb. 21, 1868	300 00
INDIAN EXPEDITION, 1867.	
To defray expenses of expedition to Sanpete and Sevier Counties, 1867, Feb. 21, 1868	10000 00
For relief of the family of Major John Vance, Feb. 21, 1868	250 00
DESERET UNIVERSITY.	
For purchase of books for Common Schools, Feb. 21, 1868	4898 28
AUDITOR'S OFFICE.	
For printing Marks and Brands, Feb. 21, '68	53 17
UTAH LIBRARY.	
For removing and refitting up Library, Feb. 21, 1868	282 00
For rent of Attorney-General's office, Jan. 19, 1866	100 00
SURVEYOR-GENERAL.	
For balance on maps, plats, etc., Jan. 19, 1866.	150 00
Total unpaid	$20806 82

In the Appropriation Bill of the 19th of January, 1867, the sum of one thousand dollars was appropriated out of the delinquent taxes of Washington County for the years 1865-6, to be expended upon the road from St. George to Millersburg, in said County. Since my report of December 17th, 1867, vouchers have been received, showing that the said sum has been properly expended on the road named, therefore, the amount of one thousand dollars delinquent taxes of Washington County for the years 1865-6 has been cancelled on the books of this office, as contemplated in the said Appropriation Bill.

Also in the Appropriation Bill of the 19th of January, 1867, the sum of fifteen hundred dollars of the delinquent taxes of Washington and Kane Counties, was appropriated to be expended on the road from South Ash Creek coal bed, by Toquerville to Kane County, evidence having been furnished this office that labor to the amount of $570, has been properly expended on said road, credits for that amount has been given on the books of this office, leaving a further sum of $570 yet to be expended on said road, and credited, as contemplated in the said Appropriation Bill.

In the same Appropriation Bill the sum of fourteen hundred dollars of delinquent taxes of Richland (now Rich) County, for 1865-6, was appropriated to be expended on the road from Huntsville to Ithaca. Of this amount the sum of $1,103 was expended on said road as contemplated by the Legislative Assembly, which absorbed all the delinquent taxes of Rich County for the years 1865-6. During the session of the Legislative Assembly of February, 1868, a further appropriation was made of the remainder of the $1,400, to be expended on said road, out of the taxes of Rich County for 1867. The vouchers for this last named expenditure have not yet been received, but the work has no doubt been done, and said County is entitled to credit for the additional sum of two hundred and ninety seven dollars.

There is due, of taxes, from the several counties to date, and which is considered safe and reliable, the sum of, say.....		$41500 00
Estimated nett proceeds of tax of 1869, say.....		42000 00
Total.....		$83500 00
There is due sundry accounts on appropriations	$20806 82	
Auditor's Warrants in the hands of the people	5694 48	26501 30
Leaves an estimated sum amounting to..... at the disposal of the Legislative Assembly at its next sitting.....		$56998 70

Very respectfully, your obedient servant,

WILLIAM CLAYTON,

Auditor of Public Accounts.

S. L. City, December 17, 1868.

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TREASURER'S REPORT.

TERRITORIAL TREASURER'S OFFICE,
Salt Lake City, Dec. 14, 1868.

TO HIS EXCELLENCY CHARLES DURKEE,
GOVERNOR OF UTAH TERRITORY:

Dear Sir:—I respectfully submit herewith my annual report of the Receipts and Disbursements of this Office, for the fiscal year ending December 12, 1868.

RECEIPTS.

AMOUNT RECEIVED FROM THE ASSESSORS AND COLLECTORS OF THE FOLLOWING COUNTIES:

Box Elder	$ 1417 02
Beaver	1283 15
Cache	3791 15
Davis	2078 04
Iron	893 83
Juab	816 00
Kane	450 00
Millard	1226 20
Morgan	502 55
Summit	1207 30
Sanpete	1401 27
Salt Lake	16968 77
Tooele	2155 50
Utah	7055 24
Weber	2880 15
Wasatch	330 00
Washington	800 00
Total Receipts	$ 44754 79
Add amounts on hand to the credit of Penitentiary, Common Schools, etc., at December 12, 1867	26141 97
Grand Total	$ 70896 76

DISBURSEMENTS.

Auditor's warrants redeemed at the Treasury	53889 80
Balance on hand to the credit of Penitentiary, Common Schools, etc.	$ 17006 96

Very respectfully,
DAVID O. CALDER,
Territorial Treasurer.

On motion of Councilor Benson, Geo. Q. Cannon was elected Public Printer.

On motion of Councilor Woodruff, one thousand copies of the Governor's Message and one thousand copies each of the accompanying documents were ordered to be printed for the use of both Houses.

On motion of Mr. Rockwood, one hundred copies of the names and residences of members and officers of both Houses, with the standing committees, in pamphlet form, also one hundred copies of the daily minutes, were ordered to be printed for the use of both Houses.

Minutes called for, read and accepted.

On motion of Councilor Harrington, the Joint Session dissolved.

Benediction by the Chaplain of the Council.

On dissolution of the Joint Session, the Council resumed its session.

Councilor Woodruff moved that the Hon. Secretary be requested to furnish the members and officers of the Council with the Daily DESERET NEWS and *Telegraph*.

Seconded and carried.

On motion of Councilor Smoot, the freedom of the Council was tendered to the following gentlemen, viz:—Presidents Brigham Young and Daniel H. Wells; His Excellency Edwin Higgins, Acting Governor; Honorable John M. Bernhisel; Honorable Geo. Q. Cannon; Hon. C. C. Wilson, Chief Justice of Utah Territory; Associate Justice E. D. Hoge; Surveyor General J. A. Clark; C. C. Clements, Esq., Registrar; Louis S. Hills, Esq., Receiver; Gen. A. L. Chetlain, U. S. Assessor Internal Revenue; Gen. R. T. Burton, U. S. Collector; Col. F. H. Head, Superintendent of Indian Affairs; A. W. Street, Postmaster; Hon. Elias Smith, Probate Judge Salt Lake County; the members of Salt Lake City Council; Bishop Edward Hunter; Jesse W. Fox, Esq., Territorial Surveyor General; Ex-Governor Leland Stanford; Dr. T. C. Durant, and the ex-members of the Legislative Assembly.

The following communication was received from the House:

House of Representatives,
Salt Lake City, Jan. 12, 1869.

Hon. George A. Smith, President of the Council:

The accompanying "Memorial to Congress for the admission of Utah into the Union as a State," has passed the House and is respectfully forwarded for the action of your Honorable Body.

Very Respectfully,
ORSON PRATT, Sen., Speaker.

The Memorial was read, and referred to the committee on memorials.

Minutes called for, read and accepted.

On motion of Councilor Hyde, Council adjourned until to-morrow at 10 o'clock a.m

Benediction by the Chaplain.

HOUSE.

REPRESENTATIVES' HALL, City Hall,
Salt Lake City, Jan. 12, 1852.

House met pursuant to adjournment.
Roll called. Quorum present.
Prayer by the Chaplain.
The Speaker announced the following list of Standing Committees:

On Judiciary—LORIN FARR, JONATHAN C. WRIGHT, CHAUNCEY W. WEST, ALBERT K. THURBER, SILAS S. SMITH.

On Claims and Appropriations—CHARLES C. RICH, LORIN FARR, ALBERT P. ROCKWOOD, WILLIAM R. SMITH.

On Petitions and Memorials—JOHN TAYLOR, JONATHAN C. WRIGHT, JOSEPH F. SMITH, ABRAM HATCH.

On Revenue—ALBERT K. THURBER, PETER MAUGHAN, JONATHAN MIDGLEY, WILLIAM R. SMITH.

On Elections—PETER MAUGHAN, WILLARD G. SMITH, JOHN R. MURDOCK.

On Counties—WILLIAM B. PACE, BRIGHAM YOUNG, JR., ABRAM HATCH.

On Roads, Bridges, Ferries and Kanyons—ALBERT P. ROCKWOOD, DAVID EVANS, JOHN ROWBERRY, WILLIAM S. SEELY.

On Engrossing—JOSEPH F. SMITH, WILLIAM W. CLUFF, JONATHAN MIDGLEY.

On Education—JOHN TAYLOR, JOSEPH F. SMITH, WILLIAM W. CLUFF.

On Printing—JONATHAN MIDGLEY, SILAS S. SMITH, BRIGHAM YOUNG, JR., JOHN R. MURDOCK.

On Library—FRANCIS M. LYMAN, WILLIAM B. PACE, WILLIAM W. CLUFF.

On Agriculture, Trade and Manufactures—ENOCH REESE, WILLIAM S. SEELY, ALBERT P. ROCKWOOD, CHARLES C. RICH, WILLIAM SNOW.

On Militia—BRIGHAM YOUNG, JR., CHAUNCEY W. WEST, ALBERT K. THURBER, GEORGE TAYLOR, WILLIAM B. PACE.

On Penitentiary—ENOCH REESE, WILLIAM SNOW, GEORGE TAYLOR, WILLIAM B. PACE.

Indian Affairs—CHARLES C. RICH, WILLIAM S. SEELY, WILLIAM SNOW.

On Irrigation and Canals—CHAUNCEY W. WEST, FRANCIS M. LYMAN, DAVID EVANS, ABRAM HATCH.

On Postal Affairs—WILLIAM W. CLUFF, JONATHAN

C. WRIGHT, WILLIAM R. SMITH, WILLIAM SNOW, WILLARD G. SMITH.

On Revision—LORIN FARR, WILLARD G. SMITH. CHAUNCEY W. WEST, WILLIAM S. SEELY.

On Unfinished Business—SILAS S. SMITH, A. P. ROCKWOOD, GEORGE TAYLOR, FRANCIS M. LYMAN.

On Mineral Resources—PETER MAUGHAN, JOHN ROWBERRY, WILLIAM W. CLUFF, FRANCIS M. LYMAN.

On Railroads—JOHN TAYLOR, BRIGHAM YOUNG, JR., CHAUNCEY W. WEST, LORIN FARR.

On Municipal Corporations and Town Sites—ALBERT P. ROCKWOOD, LORIN FARR, JOSEPH F. SMITH, ENOCH REESE.

On Private Incorporations and Telegraph Companies—JONATHAN C. WRIGHT, DAVID EVANS, JOHN R. MURDOCK.

On Public Domain and School Lands—JOHN ROWBERRY, CHARLES C. RICH, DAVID EVANS, JOHN R. MURDOCK.

Messrs. A. K. Thurber, W. G. Smith, David Evans and W. R. Smith were qualified by Mr. W. W. Phelps, Notary Public.

House went into Joint Session.

SEE JOINT SESSION MINUTES.

Upon dissolution of the Joint Session the House resumed its sitting.

Mr. Thurber presented memorial to Congress for the admission of Utah into the Union as a State, which was read, and,

On motion of Mr. J. F. Smith, was read the second time and amended, and,

On motion of Mr. Pace, was read the third time by its title.

The title was amended and so passed.

Mr. J. C. Wright was qualified by Judge John Taylor.

On motion of Mr. J. F. Smith, the Hon. Secretary was requested to furnish each member and officer of the House with copies of the DAILY EVENING NEWS *Salt Lake Daily Telegraph* and *Juvenile Instructor*.

On motion of Mr. Reese, the Hon. Secretary was requested to furnish each member and officer of the House with a copy of the Washington Congressional paper.

The following was received and read:

Mr. Midgley moved that the freedom of the House be tendered to the following gentlemen, viz:—Presidents Brigham Young and Daniel H. Wells; Hon. F. D. Richards; His Excellency Edwin Higgins, Acting Governor and Secretary of the Territory; F. H. Head; Esq., Superintendent of Indian Affairs; their Hons. the United States District Judges; Gen. A. L. Chetlain, Assessor Internal Revenue; Dr. T. C. Durant, Vice President U. P. R. R., Governor Leland Stanford, President Central Pacific R. R., and S. B. Reed, Superintendent U. P. R. R.; Gen. Clark, Surveyor General; Josiah Hosmer, United States Marshal; Hon. Elias Smith, Probate Judge of Salt Lake County; Gen. R. T. Burton, Collector

Internal Revenue; Edward Hunter, Esq.; the Treasurer, Auditor, Surveyor General and other Territorial officers, the ex-members of the Legislative Assembly, the City Council of Salt Lake City, and Hosea Stout, Esq., City Attorney.

Seconded and carried.

Minutes called for, read and accepted.

On motion of Mr. John Taylor, House adjourned till 10 a.m. to-morrow.

Benediction by Mr. J. F. Smith.

—:o:—

WEDNESDAY, JANUARY 13, 1869.

—o—

COUNCIL.

COUNCIL CHAMBER, City Hall,
Salt Lake City, Jan. 13, 1869.

Council met pursuant to adjournment.

Roll called. Quorum present.

Prayer by the Chaplain.

The following communication was received and read:

Secretary's Office, Utah Territory,
Salt Lake City, Jan. 13, 1869.

Hon. Geo. A. Smith, President of the Council:

Sir:—I have made arrangements with the City Postmaster, by which he will pay the postage upon and forward all official communications of the Members, Presiding Officers and Chief Clerks of the Legislative Assembly during its present session.

Such communications should be endorsed with the official signature of the person sending them, and marked "Official Business."

Very respectfully,
EDWIN HIGGINS, Secretary Utah.

Councilor L. Snow presented Memorial to Congress for admission of Utah into the Union, which was read, and,

On motion of Councilor Harrington, was referred to the committee on petitions and memorials.

The minutes were called for, and accepted.

On motion of Councilor Harrington, the Council adjourned till 10 a.m. to-morrow.

Benediction by the Chaplain.

HOUSE.

REPRESENTATIVES' HALL, City Hall
Salt Lake City, Jan 13, 1869.

House met pursuant to adjournment.
Roll called. Quorum present.
Prayer by the Chaplain.
Messers. W. W. Cluff and John Rowberry appeared and were qualified by Mr. W. W. Phelps, Notary Public.
The following communication was received and read:

Secretary's Office, Utah Territory,
Salt Lake City, Jan. 13, 1869.

Hon. Orson Pratt, Sen., Speaker of the House:

Sir:—I have made arrangements with the City Postmaster, by which he will pay the postage upon and forward all official communications of the Members, Presiding Officers and Chief Clerks of the Legislative Assembly, during its present session.
Such communications should be endorsed with the official signature of the person sending them, and marked "Official Business."

Very Respectfully,
EDWIN HIGGINS, Secretary Utah.

Mr. Young moved that the committee on revenue be instructed to inquire into the propriety of bringing in bills as follows:
First: A bill for the repeal of all laws which place taxes on sheep.
Second: A bill offering a liberal premium on the best qualities of bucks and ewes which may be in the Territory or hereafter imported; and,
Third: A bill placing a heavy tariff on tobacco, and also the practicability of taxing imported whisky, brandy and wine.
Seconded and carried.
Minutes called for, read and accepted.
On motion of Mr. Rowberry, the House adjourned till ten a.m. to-morrow.
Benediction by the Chaplain.

THURSDAY, JANUARY, 14, 1869.

COUNCIL.

COUNCIL CHAMBER, City Hall,
Salt Lake City, Jan 14, 1869, 10 a.m.

Council met pursuant to adjournment.
Roll called. Quorum present.
Prayer by the Chaplain.

Councilor Woodruff presented C. F. No. 2, "An Act for the encouragement of the improvement of sheep in the Territory of Utah," which was read, and,

On motion of Councilor Harrington, was referred to the committee on agriculture, trade and manufactures.

On motion of Councilor Harrington, the committee on revenue was instructed to consider the propriety of amending "An Act prescribing the manner of assessing and collecting Territorial and County taxes, and for other purposes," approved Jan. 20, 1866.

On motion of Councilor Hyde, the committee on private incorporations were instructed to bring in a bill for a general Incorporation Act.

Minutes called for, read and accepted.

On motion of Councilor Smoot, Council adjourned till to-morrow 10 o'clock a.m.

Benediction by the Chaplain.

HOUSE.

REPRESENTATIVES' HALL, City Hall,
Salt Lake City, Jan, 14, 1869.

House met pursuant to adjournment.

Boll called. Quorum present.

Prayer by Mr. Rich.

Hosea Stout Esq., acknowledged the receipt of the freedom of the House tendered him.

Mr. Rockwood, chairman of committee on unfinished business, reported "An act pertaining to damage done by animals," and a "resolution appropriating money for the relief of certain families."

On the latter bill the committee reported further legislation inexpedient.

On motion of Mr. Taylor, the report of the committee on the resolution was accepted, and,

The bill for "An act pertaining to damage done by animals" was taken up and read, and referred to the committee on agriculture, trade and manufactures.

Mr. Rowberry presented H. F. No. 1, "An act to amend an act, entitled an act regulating estray pounds and for other purposes," which was read, and,

On motion of Mr. John Taylor, was referred to the committee on agriculture, trade and manufactures.

Minutes called for, read and accepted.

On motion of Mr. Cluff, the House adjourned till 10 a.m. to-morrow.

Benediction by Mr. Rockwood.

FRIDAY, JANUARY 15, 1869.

COUNCIL.

COUNCIL CHAMBER, City Hall,
Salt Lake City, Jan. 15, 1869, 10 o'clock a.m.

Council met pursuant to adjournment.
Roll called. Quorum present.
Prayer by the Chaplain.
The following communications were received and read.

Supreme Court Rooms, Salt Lake City, U. T.,
January 14th, 1869.

Hon. George A. Smith,
President of the Council, etc.:

Sir:—I have this moment received yours of 12th inst., informing me of the freedom of the Council Chamber having been extended me by unaminous vote of that Hon. Body.

Permit me through you to thank the members composing that Hon. Body for the courtesy, and notify them I will be happy to avail myself of the privilege, etc,

Respectfully,
E. D. HOGE.

Surveyor General's Office,
Salt Lake City, Utah, Jan. 13, 1869.

Hon. George A. Smith,
President of the Legislative Council:

Sir:—I have the honor to acknowledge the receipt last evening, of your note informing me that I have been unanimously voted the freedom of the Legislative Council of Utah Territory.

Please communicate to the Council and accept for yourself my sincere thanks for the honor thus conferred.

Very respectfully your obedient servant,
JOHN A. CLARK.

Office of U. S. Ass'r Int. Rev.
Salt Lake City, U. T., Jan. 14, 1869.

Hon. George A. Smith,
President of the Counc l:

My Dear Sir:—Your communication of the 12th inst., informing me that the freedom of the Council Chamber has been granted me, is received.

I hereby return my profound acknowledgements to you and to the Honorable Body over which you preside, for the honor conferred on me. Sincerely wishing you and them long life, health and prosperity, I remain

Respectfully, your obt. servt.,
A. L. CHETLAIN.

The President of the Council referred the various portions of the Governor's Message to the following committees:

That portion of the Message which relates to the establishment of normal and free schools, to the committee on education.

That portion of the Message which refers to the survey of public lands, to the committee on public domain and school lands.

That portion on the condition of the Penitentiary, to the committee on penitentiary.

That portion which refers to the confinement of prisoners, to the committee on judiciary.

That portion which refers to the "chain gang," to the committee on municpal corporations.

That portion which relates to the interest law, to the committee on agriculture, trade and manufactures.

That portion which relates to limited partnership, to the committee on judiciary.

That portion which relates to a general incorporation act, to the committee on private incorporations.

That portion which relates to a lien law, to the committee on agriculture, trade and manufactures.

That portion which refers to Indian affairs, to the committee on Indian affairs.

That portion which relates to the Pacific railroad, to the committee on railroads.

That portion which relates to mineral resources and a mineralogical cabinet, to the committee on mineral resources.

That portion which relates to the financial affairs of the Territory, to the committee on revenue.

The following was presented and read:

Council Chamber, Jan. 15, 1869.

Mr. President and Gentlemen of the Council:

Your committee, to whom has been referred House "Memorial to Congress for admission of Utah into the Union as a sovereign State, also Memorial to Congress on the same subject, would recommend the passage of the accompanying Memorial as a substitute."

LORENZO SNOW, Chairman.

The memorial was read, and,

On motion of Councilor Smoot, was adopted and sent to the House for concurrence.

Councilor Hyde presented memorial of William Morrison for his relief as Assessor and Collector, which was read, and,

On motion of Councilor Snow, was referred to the committee on revenue.

Councilor Hyde presented petition of citizens of Garrison for an appropriation to build a bridge across Sanpitch river, which was read, and,

On motion of Councilor Harrington, was referred to the committee on roads, bridges, ferries and kanyons.

Councilor Hyde also presented petition of Walter Jones, for appropriation to repay expenses incurred by being wounded while in service against Indians, which was read, and,

On motion of Councilor Snow, was referred to the committee on Indian affairs.

Minutes called for, read and accepted.

On motion of Councilor Haight, Council adjourned till 10 a.m. Monday next.

Benediction by the Chaplain.

HOUSE.

REPRESENTATIVES HALL, City Hall,
Salt Lake City, Jan. 15, 1869.

House met pursuant to adjournment.

Roll called. Quorum present.

Prayer by the Chaplain.

Mr. Pace presented H. F. No. 2, "An Act providing for a general system of mercantile co-operative incorporations," which was read the first time, and,

On motion of Mr. Rowberry, was referred to the committee on Judiciary.

Mr. Rowberry presented H. F. No. 3, "An Act in relation to incorporations and co-partnership for agriculture, manufacturing and other purposes," which was read the first time, and,

On motion of Mr. Rich, was referred to the committee on judiciary.

Mr. Silas S. Smith appeared and was duly qualified by Mr. W. W. Phelps, Notary.

Communications were received and read from Gen. A. L. Chetlain, U. S. Assessor of Internal Revenue, Gen. J. A. Clark, Surveyor-General and William Clayton, Auditor of Public Accounts, acknowledging the courtesy of the House in extending to them the freedom of the same.

Mr. Reese presented the report of the Directors of the Penitentiary, with accompanying Warden's report, which was read, and,

On motion of Mr. John Taylor, was referred to the committee on Penitentiary, and one hundred copies ordered printed in pamphlet form for the use of the Assembly.

The following was received and read:

Council Chamber, Jan. 15, 1869.

Hon. Orson Pratt, Sen., Speaker, and Members
of the House of Representatives:

Gentlemen.—The accompanying substitute for House "Memorial to Congress, for the admission of Utah into the Union as a State," has passed the Council, and is now respectfully forwarded for the action of your Honorable Body.

Very respectfully,
GEO. A. SMITH, President of the Council.

Said substitute, "Memorial to Congress for the admission of Utah into the Union as a State," was read, and,

On motion of Mr. Thurber the adoption thereof was concurred in.

Minutes called for, read and accepted.

On motion of Mr. John Taylor, House adjourned till ten a.m., Monday, 18th instant.

Benediction by the Chaplain.

MONDAY, JANUARY 18, 1869.

COUNCIL.

COUNCIL CHAMBER, City Hall,
Salt Lake City, Jan. 18, 1869.

Council met pursuant to adjournment.
Roll called. Quorum present.
Prayer by the Chaplain.
Communications from Hon. George Q. Cannon and A. W. Street, Esq., acknowledging the tender of the freedom of the Council Chamber, were received and read.
Councilor E. Snow presented the following financial report of Washington County, for the year ending June 1, 1868.

FINANCIAL REPORT
OF
WASHINGTON COUNTY, UTAH,
FOR THE YEAR ENDING JUNE 1st, 1868.

TO THE HONORABLE THE GOVERNOR AND LEGISLATIVE ASSEMBLY OF UTAH TERRITORY:

Gentlemen:—I beg leave to submit a copy of my Financial Report of Washington County for the year ending June 1st, 1868, pursuant to the requirement of "An Act to amend an act creating the office of selectmen and prescribing their duties, also the duties of the County Courts." Approved Feb. 21st, 1868.

I have the honor to be, Gentlemen,
Yours very respectfully,
JAMES G. BLEAK,
Clerk of Washington Co., U. T.

TAX ACCOUNT.

To indebtedness of R. L. Lloyd, ex-collector, on June 4th, 1868		121 37	
By payments of Lloyd till date		52 93	
Balance due by R. L. Lloyd			68 44
To indebtedness of E. Sanders, Assessor and Collector, on June 4th, 1867		449 19	
To county tax for 1867 and 1868		7424 69	
		7873 88	
By payments per Sanders	$1634 65		
By remittances	17 72		
By per centage for collecting	198 28	1850 65	
Balance due by E. M. Sanders			6023 23
Total amount of tax due			6091 67

FINES ACCOUNT.

To amount due on fines not collected.....		340 00

JUSTICES ACCOUNT.

To amount assessed as fines in Justices courts	225 00	
By amount paid Treasurer.....	133 37	
Balance due County.....		91 63

SHERIFF CRIMINAL CASES, ETC.

To amount unadjusted, June 4, 1867.....	814 12	
To amount in Wilmer Burgess' case.....	54 15	
	868 27	
By payments to Treasurer.....$123 63		
By receipts of parties..... 79 60	203 23	
Total amount unadjusted.....		665 04

ESTRAY POUND ACCOUNT.

To balance due by pound keeper, June 4, 1867...	37 50	
To amounts due since June 4, 1867.....	88 10	
	125 60	
By payments to Treasurer.....$104 75		
By allowance for repairs, etc.....238 10	342 85	
By amount due to poundkeeper.....	217 25	

PRECINCT POUNDS ACCOUNT:

Tokerville, to balance due.....	6 80	
Harrisbug, to balance due Laney and Harris....	10 00	
Harmony, by overpayment.....$1 60		
Kannarra, to balance due.....	30 40	
Santa Clara, to balance due.....	21 40	
Pinto, to balance due.....	40	
	68 80	
Deduct overpayment of Harmony poundkeeper.	1 60	
		67 20
		732 24
Deduct overpayment of county poundkeeper...		217 25
Total amount due the Treasury is.....		$7038 29

Exhibit of amount in Treasury, June 4, 1867, and the receipts of the Treasury till June 1, 1868, setting forth the various sources of revenue:

Amount in hands of Treasurer June 4, 1867...	$1587 11
Received on License account.....	35 00
" " Labor of convicts account.....	25 00
" " Justice account.....	133 37
" " Sheriff criminal case account.....	110 88
" " E. M. Sanders collector account...	1634 85
" " R. L. Lloyd ex-collector account...	47 26
" " County poundkeeper account.....	118 35

"	" Sheriff fee account	12 00	
Total amount received by Treasurer		$3703 62	
Am't of scrip paid County Court for cancellation		1626 08	
Balance in Treasury this date			$2077 54

The following shows the amount of County Scrip issued on sundry accounts since June 4, 1867:

County Court, Probate Court, rent and stationery and other incidental expenses		$1423 85	
Building pound	account	250 00	
Road locating	"	10 00	
Election expense	"	55 70	
Court House building	"	293 50	
Total orders issued			$2033 05

Assets and Liabilities from Open Accounts.

ASSETS.

Amount due by R. L. Lloyd, ex-Collector		68 44	
" " E. M. Sanders, Collector		6023 23	
" " Officer account		7 70	
" " Harrisburg poundkeeper		10 00	
" " Kanarra "		30 40	
" " Tokerville "		6 80	
" " Santa Clara "		21 20	
" " Pinto "		40	
" " Santa Clara Justice of Peace		24 00	
" " Pine Valley "		67 63	
" " Fines account		340 00	
" " Sheriff criminal account		670 29	$7270 09

LIABILITIES.

Due on Officers'	Account	160 96	
" Grand Jury	"	107 55	
" Petit Jury	"	73 95	
" Witness	"	131 30	
" Stationery	"	63 66	
" Building	"	1500 00	
" Election expenses	"	46 75	
" Rent	"	148 65	
" County Poundkeeper	"	217 25	
" Harmony "	"	1 60	
" Seal press	"	1 33	
" Road	"	10 00	2463 00
Excess of Assets			$4807 09

which was read, and,

On motion of Councilor L. Snow, was referred to the committee on Revenue.

Councilor E. Snow presented petition of John M. McFarlane and one hundred and fifty others, for a charter for a Territorial toll road between Kannarra and Bennington, in Washington county, also for an appropriation of eight thousand dollars to refund

amounts used on said road, beyond last year's territorial appropriation, and to complete said road, which was read, and,

On motion of Councilor Harrington, was referred to the committee on roads, bridges, ferries and kanyons.

Councilor Harrington, chairman of committee on judiciary, to whom was referred C. F. No. 1, "An Act regulating service of process in certain cases," reported the bill back with amendments and recommended its passage as amended.

The bill passed its first reading, and fifty copies were ordered printed.

Councilor Hyde, chairman of the committee on revenue, reported C. F. No. 3, a bill for "An Act to more clearly define the duties of assessors and collectors in certain cases," reported the bill back and recommended its passage.

The bill was read, and,

On motion of Councilor Smoot, was read the second time, and,

On motion of Councilor E. Snow, was referred back to the committee on revenue for further consideration.

Councilor L. Snow, chairman of committee on roads, bridges, ferries and kanyons, to whom was referred petition of the people of Gunnison, asking for an appropriation of five hundred dollars, to complete a bridge across Sanpitch river, recommended that the sum of five hundred dollars be placed upon the General Appropriation Bill for that purpose, and

On motion of Councilor Hyde, the report was accepted.

Councilor Hyde, chairman of committee on revenue, to whom was again referred C. F. No. 3, "An Act to more clearly define the duties of assessors and collectors, in certain cases," reported the bill back with an additional section.

The bill was read as amended, and,

On motion of Councilor Smoot, passed its first reading, and,

On motion of Councilor Hyde, was read the second time by sections, and,

On motion of Councilor Woodruff, it was laid on the table to come up in its order;

On motion of Councilor A. O. Smoot, the freedom of the Council Chamber was extended to Wm. Clayton, Esq., Auditor of Public Accounts, D. O. Calder, Esq., Territorial Treasurer; T. McKean, Esq., Territorial Road Commssioner, Hon. Z. Snow, and Le Grand Young, Esq.

Minutes called for, read and accepted.

On motion of Councilor Harrington, Council adjourned till tomorrow at ten o'clock a.m.

Benediction by the Chaplain.

HOUSE.

REPRESENTATIVES' HALL, City Hall,
Salt Lake City, Jan. 18, 1869.

House met pursuant to adjournment.

Roll called. Quorum present.

Prayer by Mr. W. R. Smith.

Mr. Wm. Snow appeared, and was duly qualified by the Speaker.

Mr. Hatch presented H. F. No. 4, "An Act amending section 10 of an act defining the boundaries of counties and locating county seats," which was read, and,

On motion of Mr. John Taylor, was referred to the committee on counties.

Communications were received and read from Hon. F. D. Richards, Le Grand Young, Supt. Wasatch Wagon Road, Josiah Hoemer, Esq., U. S. Marshal, and E. D. Hoge, Associate Justice, acknowledging the courtesy of the House in extending to them the freedom thereof.

Mr. Rockwood presented report of Superintendent of Salt Lake City and Wasatch Wagon Road Company, which was read, and,

On motion of Mr. Wright, the report was received, and referred to the committee on roads, bridges, etc.

Mr. Cluff presented report of receipts and expenses of Summit Co., U. T., from December 3d, 1867, to December 9th, 1868, which was read, and,

On motion of Mr. Rockwood, the report was referred to the committee on counties.

The following communication was received and read:

To the Honorable the Governor and
Legislative Assembly of the Territory of Utah:

Your petitioner, Z. Snow, respectfully represents to your Honorable Body that he from January 1, 1868, to January 1, 1869, has served as Deputy Attorney General for the Territory under the Hon. Albert Carrington, Attorney General, and during that time he has discharged the entire duties of the office, and furnished his own office, stationery, lights and fuel. He therefore prays your Honorable Body to grant him allowance for services, office rent, lights, fuel, stationery and contingent expenses, and as in duty bound he will ever pray.

Z. Snow.

Jan. 18, 1869.

On motion of Mr. Rockwood, said communication was referred to the committee on claims and appropriations.

Mr. Rowberry presented H. F. No. 5, "An Act incorporating the Granteville City Library Association," which was read, and,

On motion of Mr. Maughan, the bill was referred to the committee on private incorporations.

On motion of Mr. Rockwood, said committee on private incorporations were instructed to take into consideration the propriety of bringing in a bill for a general incorporating act for scientific, literary and benevolent purposes.

Mr. Rowberry moved the committee on revision be instructed to examine the forms attached to the Statutes of Utah and see if it is not necessary to have them revised and made applicable to the laws of the Territory, and report to this House at an early day, by bill or otherwise.

Seconded and carried.

On motion of Mr. Farr, Mr. William Snow was added to the committee on revision.

Minutes called for, read and accepted.

On motion of Mr. Evans, House adjourned till 10 a.m to-morrow.

Benediction by Mr. Thurber.

TUESDAY, JANUARY 19, 1869.

COUNCIL.

COUNCIL CHAMBER, City Hall,
Salt Lake City, Jan. 19, 1869.

Council met pursuant to adjournment.
Roll called. Quorum present.
Prayer by the Chaplain.

The following communication was received from the House, and read,

Representatives' Hall, S. L. City, Jan. 19, 1869.

Hon. Geo. A. Smith, President, and Members of the Council:

Gentlemen:—The accompanying bill entitled H. F. No. 1, "An Act amending section ten of an act defining the boundaries of counties and locating county seats," has passed the House and is respectfully submitted for the action of the Council.

Very respectfully,
ORSON PRATT, Sen., Speaker.

The bill was read, and,
On motion of Councilor Harrington, was referred to the committee on counties.
C. F. No. 1, "An Act regulating service of process in certain cases," was taken up on its second reading by sections, and amended, and,
On motion of Councilor L. Snow, passed its second reading, and,
On motion of Councilor Woodruff, was read the third time by its title, which was amended, and so passed, and sent to the House for concurrence.
On motion of Councilor Callister, Joseph Clayton was elected engrossing clerk for the Council.
Minutes called for, read and accepted.
On motion of Councilor Smoot, Council adjourned till to-morrow at ten o'clock a.m.
Benediction by the Chaplain.

HOUSE.

REPRESENTATIVES' HALL, City Hall,
Salt Lake City, Jan. 19, 1869.

House met pursuant to adjournment.
Roll called. Quorum present.
Prayer by Mr. Wright.
The Speaker referred the various portions of the Governor's Message to the appropriate committees, as follows:

From the 7th to the 16th paragraphs inclusive, to the committee on education.

Paragraph 17 to the committee on public domain and school lands.

Paragraph 18 to the committee on penitentiary.

From the 19th to the 25th paragraphs inclusive, to the committee on judiciary.

Paragraphs 26 and 27 to the committee on municipal corporations and town sites.

Paragraphs 28 and 29 to the committee on agriculture, trade and manufactures.

Paragraphs 30 and 31 to the committee on judiciary.

Paragraphs 32 and 33 to the committee on private incorporations.

Paragraphs 34 and 35 to the committee on agriculture, trade and manufactures.

Paragraphs 36, 37 and 38 to the committee on Indian affairs.

Paragraphs 39 and 40 to the committee on railroads.

Paragraphs 41 and 42 to the committee on mineral resources.

Paragraph 43 to the committee on revenue.

Mr. Pace, chairman of committee on counties, to whom was referred H. F. No. 4, "An Act amending section ten of an act defining the boundaries of counties, and locating county seats," reported said bill back and recommended its passage.

Said bill, for "An Act amending section ten of an act defining the boundaries of counties, and locating county seats," was taken up on its second reading, and,

On motion of Mr. Cluff, was read the third time by its title.

The title of the bill was read, approved, and the bill so passed.

Mr. Hatch moved that the committee on revision be instructed to prepare a more perfect set of forms to be used by the Justices of the Peace, Probate Courts and other officers of the Territory, and report the same to the House at an early day; and that the committee be authorized to procure such assistance as to them may seem necessary for the prosecution of their labors.

Seconded and carried.

On motion of Mr. John Taylor, Messrs. Rowberry and Wright were added to said committee on revision, for said purpose.

Mr. Rockwood moved that the committee on library, be instructed to co-operate with the Librarian, in getting up during the present session, a catalogue of the library, and that said committee be instructed to memorialize Congress for an appropriation of $5,000, for the purpose of supplying deficient volumes, and purchasing standard works needed for reference in the Territorial Library. Seconded and carried.

Minutes called for, read and accepted.

On motion of Mr. Rowberry, House adjourned till ten a. m. tomorrow.

Benediction by Mr. Lyman.

WEDNESDAY, JANUARY 20, 1869.

COUNCIL.

COUNCIL CHAMBER, City Hall,
Salt Lake City, Jan. 20, 1869, 10 a.m.

Council met pursuant to adjournment.

Roll called. Quorum present.

Prayer by the Chaplain.

A communication from Col. F. H. Head, Superintendent of Indian Affairs, acknowledging the courtesy of the Council for the tender of the Council Chamber, was received and read.

C. F. No. 2, "An Act to more clearly define the duties of Assessors and Collectors in certain cases," which had been laid on the table was called up for its reconsideration, and,

On motion of Councilor L. Snow, was referred to the committee on judiciary:

Councilor Haight, chairman pro tem. of the committee on counties, to whom was referred "An Act amending section ten of an act defining the boundaries of counties and locating county seats," reported the bill back, recommending its passage.

On motion of Councilor L. Snow, the report was accepted and the bill read, and,

On motion of Councilor Smoot, was concurred in, and the House notified accordingly.

Joseph Clayton, engrossing clerk, was sworn in by Patrick Lynch, Esq., U. S. District Clerk, and Secretary of Council.

Minutes called for, read and accepted.

On motion of Councilor Harrington, Council adjourned till 10 a.m. to-morrow.

Benediction by the Chaplain.

HOUSE.

REPRESENTATIVES' HALL, City Hall,
Salt Lake City, Jan. 20, 1869.

House met pursuant to adjournment.

Roll called. Quorum present.

Prayer by the Chaplain.

Mr. S. S. Smith presented report of the financial condition of Iron county, which was read, and,

On motion of Mr. Lyman, was referred to the committee on revenue, and ordered spread on the minutes.

FINANCIAL REPORT OF IRON COUNTY.

The Honorable the Legislative Assembly of the Territory of Utah:

In accordance with the provision of "An Act to amend an act, creating the office of Selectmen and prescribing their duties, also the duties of the County Courts," approved Feb. 21, 1868, I have the honor herewith to furnish a copy of the receipts and expenditures of the County of Iron, for the year ending Monday, June 1st, 1868.

Very respectfully,

JOSEPH FISH, Clerk.

Assessment	$384 16	
Fines in Probate Court	50 00	
Fines in Justice Court	81 00	
Impounding stock	18 00	$150 16

STATEMENT OF DISBURSEMENTS.

For the fiscal year ending June 1, 1868, allowed

The Assessor and Collector 14 per cent. compensation	$123 68	
On account of elections	36 00	
On account of remittance of taxes	47 08	
On account of County charge (insane girl)	182 50	
On account appropriated on roads	164 80	
On account of Parowan breakwater	25 00	
On account of Parowan bridge	25 00	
On account of County and Probate Courts	189 03	
On account of the prosecution of Jose for the murder of an Indian	308 50	
Coroner's Jury	27 70	
Allowance of Court to County Superintendent of Schools	68 00	
Allowance of Court to Treasurer	18 75	
In the hands of the Assessor and Collector	139 68	$1382 82
Leaving a balance in the Treasury of		$166 34

By order of the County Court,

JOSEPH FISH, Clerk.

On motion of Mr. S. S. Smith, the report of the financial condition of Summit county, presented by Mr. Cluff, Jan. 18th, was also ordered spread on the minutes.

First Annual Report of the Receipts and Expenditures of Summit County, from December 2d, 1867, to December 9th, 1868 inclusive.

	county rec'd from	am't due to county	am't due to terr'y	due to the collec's
From Assessors and Collectors.				
Charles E. Griffin, for 1864-2-3		$ 74 50	$ 74 45	$ 148 95
William H. Smith, for 1864				343 09
Henry S. Alexander, for 1865-6	$ 421 60	257 28	1423 35	1405 70
John Boyden for 1867-68	702 19	1382 03	1179 94	
	1123 79	$ 633 81	$2787 74	
From Fines.				
By Probate Court	621 00	33 75		
By Rees R. Rogers Justice of Peace	236 00			
By Elias Asper Justice of Peace	25 00			
From Licences.				
Spirits	$930 00			
Beer	65 00	995 09		
Stray Pounds.				
County		60 00		
Precinct				
Received	$2999 79	$1797 56		
1868. County Orders.				
March 16, Destroyed in open Court	$1927 65			
June 7, " " "	834 59			
Sept. 6, " " "	789 05			
Dec. 7, " " "	257 86			
Total	$3752 05			
Dec. 9. There are 49 County orders in circulation, amounting to		$ 378 15		

Paid to	Am't	Total
Azra E. Hinckley, Probate Judge, nine months	$312 55	
Thomas Bullock, clerk, twelve "	711 06	
Stephen Taylor, Sheriff, eight "	306 50	
Archibald H. Anderson, Sheriff five "	163 40	
Z. Snow, Prosecuting Attorney, nine "	314 50	
Elias Asper, Selectman	29 55	
Ross M. Rogers Selectman	25 85	
Orrin S. Lee, Selectman	19 45	
Stationery	53 95	
Other expenses of March term of Court	150 40	$1966 75
" " June " "	48 10	
" " September " "	239 75	
George G. Snyder, Judge	103 00	438 25
Henry W. Brizzee, Prosecuting Attorney	22 25	
Jared C. Roundy, Sheriff	45 70	
James M. Hixson, Deputy	87 15	
Martin H. Peck, Selectman	9 75	
Alonzo Winters, Superintendent of schools	23 00	
Leonard Phillips, Constable	166 02	
Leonard L. Randall, Justice of Peace	23 65	
Abraham Marchant " "	25 50	
Hans Williamson on account of county road	57 93	
On account of Rousselle, Gales, etc.	31 50	
J. H. Crooke, bridge at Echo City, balance	60 00	
Reported to Legislative Assembly, according to Laws of Utah, chap. 31, page 51, approved Feb. 21, 1868.		595 45
	Exp'd	$3000 45

THOMAS BULLOCK, County Clerk, Summit County, Jan. 12, 1869.

The following communication was received and read:

Council Chamber, Salt Lake City,
Jan. 19, 1869.

Hon. Orson Pratt, Sen., Speaker, and
Members of the House of Reps:

Gentlemen:—The accompanying bill, C. F. No. 1, "An Act regulating service of process on foreign corporations and non-residents" having passed the Council, is now respectfully forwarded to your Honorable Body for your concurrence.

Very respectfully,
GEO. A. SMITH,
President of the Council.

Said bill, C. F. No. 1., "An Act regulating service of process on foreign corporations and non-residents," was read the first time, and,

On motion of Mr. Cluff, was referred to the committee on judiciary.

Mr. Murdock presented petition from the Mayor and City Council of Beaver City, praying for accompanying amendments to their city charter, which amendments were read, and,

On motion of Mr. Lyman, were referred to the committee on municipal corporations and town sites.

Mr. Wright presented petition of Isaac Hunter and eighteen others, citizens of Salt Lake county, praying for an appropriation to aid them in controling the waters of Jordan river, which was read, and,

On motion of Mr. Reese, was referred to the committee on roads, bridges, etc.

The following report was received and read:

Committee Room, Jan. 18, 1869.

Mr. Speaker, and Gentlemen of the
House of Representatives:

Your committee to whom was referred the motion of Mr. Young, respectfully report that we have considered the subject and deem it of high importance, in consideration of the manifest advance of our Territory in the manufacture of textile fabrics, that the wool-growing interests be encouraged and guarded by liberal legislation. Therefore we submit the accompanying bill, and respectfully recommend its passage.

We further report that we have considered that part of the motion relating to placing a tariff upon certain articles, and find in Article 1, Sec. 10 of the Constitution of the United States:

"That no State without the consent of Congress lay any imposts or duties of imports of exports except what may be absolutely necessary for executing its inspecting laws and the net products of all duties and imposts laid by any State on imports and exports, shall be for the use of the Treasury of the United States."

A. K. THURBER, Chairman.

Said bill, H. F. No. 6., "An Act appropriating money for the purpose of importing improved kinds of sheep," was read the first time, and,

On motion of Mr. Maughan, was read the second time by sections and amended, and,

On motion of Mr. John Taylor, was referred back to the committee on revenue.

Mr. Reese, chairman of committee on agriculture, trade and manufactures, to whom was referred "An Act pertaining to damage done by animals," reported said bill amended, and recommended its passage.

Said bill, "An Act pertaining to damage done by animals," was read, and,

On motion of Mr. John Taylor, was referred to a special committee, with instructions.

The Speaker appointed Messrs. Maughan, Rowberry, Reese, W. R. Smith, Snow, Farr and Rich said committee, for the consideration of that subject, and also the subject of estrays.

Minutes called for, read and accepted.

On motion of Mr. Rich, the House adjourned till to-morrow at 10 a.m.

Benediction by the Chaplain.

—:o:—

THURSDAY, JANUARY 21, 1869.

—o—

COUNCIL.

COUNCIL CHAMBER, Salt Lake City,
Jan. 21, 1869, 10 a.m.

Council met pursuant to adjournment.

Roll called. Quorum present.

Prayer by the Chaplain.

The following communication was received and read:

Ogden, January 18, 1869.

Hon. Geo. A. Smith, President of the Council, Utah:

Allow me to express my grateful thanks for the honor and privilege of the freedom of your Legislative Council, as expressed in your note of 12th inst.

Very respectfully, your obedient servant,

LELAND STANFORD.

Councilor Harrington presented C. F. No. 4, "An act making an appropriation to Chief Justice Charles C. Wilson," which was read, and,

On motion of Councilor Smoot, was referred to the committee on claims and appropriations.

Minutes called for, read and accepted.

On motion of Councilor Callister, the Council adjourned till to-morrow at ten a.m.

Benediction by the Chaplain.

HOUSE.

REPRESENTATIVES' HALL, City Hall,
Salt Lake City, Jan. 21, 1869.

House met pursuant to adjournment.
Roll called. Quorum present.
Prayer by the Chaplain.

Communications were received and read from Gov. Leland Stanford, President C. P. R. R., and F. H. Head, Superintendent of Indian affairs, acknowledging the courtesy of the House in extending them its freedom.

Mr. Rockwood presented the following report:

Committee Room, City Hall, S. L. City, Jan. 20, 1869.

Mr. Speaker and Members of the House:

Gentlemen:—Your committee on roads, bridges and kanyons, to whom was referred the petition of Isaac Hunter and eighteen others, have duly considered the subject, and recommend that the committee on claims and appropriations be instructed to incorporate in the appropriation bill the sum of three thousand dollars to be expended in the construction of a levee about four hundred rods on the east bank, and about 300 rods on the west bank below the bridge on Jordan river, on North Temple street, in Salt Lake City.

A. P. ROCKWOOD, Chairman.

On motion of Mr. Rich, the report was received and the committee on claims and appropriations were instructed to incorporate three thousand dollars in the general appropriation bill, or so much thereof as may be necessary to accomplish the object named.

Mr. Pace presented H. F. No. 8, "An act providing for the incorporation of railroad companies and the management of the affairs thereof," which was read the first time, and,

On motion of Mr. Lyman, was referred to the committee on railroads.

On motion of Mr. Rockwood, the committee on revenue were instructed to ascertain from the Territorial Treasurer the amount credited to the school fund, and for incidental expenses of the Territory.

The following was received and read:

Council Chamber, Jan. 20, 1869.

Hon. Orson Pratt, Sen., Speaker of the
House of Representatives:

Gentlemen:—The Council concurs in H. F. No. 4, "An act amending section ten of an act defining the boundaries of counties and locating county seats," which is respectfully forwarded for engrossing.

Very respectfully,
GEO. A. SMITH, President of the Council.

Minutes called for, read and accepted.

On motion of Mr. Maughan, House adjourned till ten a.m. to-morrow.

Benediction by the Chaplain.

FRIDAY, JANUARY 22, 1869.

COUNCIL.

COUNCIL CHAMBER, City Hall,
Salt Lake City, Jan. 22, 1869, 10 o'clock a.m.

Council met pursuant to adjournment.
Roll called. Quorum present.
Prayer by the Chaplain.

A communication from Le Grand Young, Esq., acknowledging the tender of the freedom of the Council Chamber, was received and read.

Councilor Harrington, Chairman of the committee on Judicary, to whom was referred C. F. No. 8, reported the bill back amended, which was read, and,

On motion of Councilor Callister, the same was referred to committee on revenue, with instructions to consider the propriety of consolidating all laws and parts of laws on the subject, with requisite amendments in one bill.

Minutes called for, read and accepted.

On motion of Councilor Haight, the Council adjourned till ten a. m. on Monday.

Benediction by the Chaplain.

HOUSE.

REPRESENTATIVES' HALL, City Hall
Salt Lake City, Jan 22, 1869.

House met pursuant to adjournment.
Roll called. Quorum present.
Prayer by the Chaplain.

Mr. Wright, chairman of the committee on judiciary, to whom was referred C. F. No. 1, "An Act regulating service of process on foreign corporations and non-residents," having considered the subject, reported said bill back and recommended its passage.

Mr. Rockwood, chairman of the committee on municipal corporations, to whom was referred petition of Mayor and City Council of Beaver City, also accompanying bill for amending the city charter of Beaver City, having examined and compared said bill with the city charter of said city, reported that all the privileges asked for in the petition being incorporated in the city charter, they deemed it unnecessary to further legislate thereon.

On motion of Mr. Thurber, the report was received, and the committee discharged from the further consideration of the subject.

Mr. Reese moved that the committee on claims and appropriations be instructed to incorporate in the Territorial appropriation bill the sum of one thousand dollars to the Deseret Agricultural

and Manufacturing Society, for the purpose of paying premiums on the best stock, such as stallions, bulls, cows, bucks and ewes, whether imported or native, as in their wisdom may be just and true; and also, tha the further sum of five hundred dollars be incorporated in said appropriation bill to said Society for the purpose of holding a general fair, where stock, produce and home manufactures may be exhibited, which fair shall be held in the month of October, in the city of Salt Lake; the time and place to be designated by the Board of said Agricultural and Manufacturing Society.

Seconded and carried.

Mr. Thurber, chairman of committee on revenue, to whom was recommitted the bill for "An Act appropriating money for the purpose of importing improved kinds of sheep," reported that they had further considered the subject, and submitted accompanying substitute bill, "An Act pertaining to sheep," and recommended its passage.

Said bill, H. F. No. 9, "An Act pertaining to sheep," was read the first time, and,

On motion of Mr. W. R. Smith, passed to its second reading by sections, was amended, and,

On motion of Mr. Lyman, was read the third time by its title.

The title was read, approved, and the bill so passed.

Business in order taken up.

C. F. No. 1, "An Act regulating service of process on foreign corporations and non-residents," passed to its second reading by sections, and,

On motion of Mr. Rich, passed to its third reading by its title.

The title was read, approved, and the bill so passed.

Minutes called for, read and accepted.

On motion of Mr. Thurber, House adjourned till 10 a.m Monday, 25th inst.

Benediction by the Chaplain.

———:o:———

MONDAY, JANUARY 25, 1869.

———o———

COUNCIL.

COUNCIL CHAMBER, City Hall,
Salt Lake City, Jan. 25, 1869.

Council met pursuant to adjournment.

Roll called. Quorum present.

Prayer by the Chaplain.

The following communications were received and read:

Representatives' Hall, Jan. 22, 1869.

Hon. Geo. A. Smith, President of the Council:

The House have passed accompanying bill, H. F. No. 9, "An Act pertaining to sheep," and respectfully forward the same for the action of your Honorable body.

The House concurs in C. F. No. 1, "An Act regulating service of

process on foreign corporations and non-residents," and return the same for engrossing.

Very respectfully,
ORSON PRATT, Sen., Speaker.
Echo. Jan. 28, 1869.

To the Hon. Geo. A. Smith, President of the Council:

Dear Sir:—I have the honor to acknowledge the receipt of your note of the 12th inst., informing me that the freedom of the Council Chamber had been extended to me by the unanimous vote of the Legislative Council of Utah Territory. Please convey to the Council my high appreciation and thanks for the compliment, and accept for yourself the assurances of my regards.

Yours very respectfully,
THOS. C. DURANT, Vice President, U. P. R. R.

Also communications from Wm. Clayton Esq., and Hon. Z. Snow, acknowledging the tender of the freedom of the Council Chamber.

Councilor Hyde presented the following financial report of Sanpete County.

FINANCIAL REPORT OF SANPETE COUNTY.

County Clerk's Office, Manti City,
Sanpete County, U. T., Jan. 20, 1869.

TO THE HON. THE LEGISLATIVE ASSEMBLY OF THE TERRITORY OF UTAH, NOW IN SESSION:

Gentlemen:—Agreeable with the statute laws of Utah Territory, I have the honor to submit to you a report of the receipts and expenditures of Sanpete County, from March 1st, 1868, till February 1st, 1869.

RECEIPTS.

Balance in Treasury March 1st, 1868	$ 325 54	
Paid into the Treasury by assessor and collector on taxes collected for the years 1866,-67-68	1873 18	
Paid into the Treasury on fines	190 00	$2388 72

EXPENDITURES.

To County office, stove and furniture	$ 220 10	
To Sheriff, selectmen and clerk	195 25	
To public buildings	1463 45	
To roads and bridges	130 55	
To elections	37 75	
To lunatics	132 55	
To sundry books	20 00	
To orders in circulation March 1st, 1868, since redeemed	58 70	
To balance in treasury at date	30 37	
	$2388 72	$2388 72

County orders in circulation March 1, 1868	258 91	
" " issued since	2199 65	2458 56
" " redeemed at the Treasury		2358 35
" " in circulation		100 21

DELINQUENT COUNTY TAXES.

Due by A. E. Merriam assessor and collector for the years 1866, 1867 and 1868 after deducting per centage..... 980 90

SCHOOL FUND.

In Treasury March 1st, 1868 ..... $480 00

Which sum has been expended by the Superintendent of Common Schools in the purchase of maps, charts, books, etc, and distributed to the Trustees of the school districts in the county, for the use of Common Schools as provided by the statute laws of Utah Territory.

No report of any poundage or other funds arising from the sale of estrays since March 1, 1868.

All of which is respectfully submitted; in testimony whereof, witness my hand and seal of the County Court of Sanpete County, U. T., done at my office, Manti City, this 20th day of January 1869.

W. T. REID, County Clerk.

Which was read, and,

On motion of Councilor Callister, was referred to the committee on revenue.

H. F. No. 9, "An Act pertaining to sheep," was read, and,

On motion of Councilor Smoot, passed its first reading, and was referred to the committee on agriculture, trade and manufactures.

Councilor E. Snow presented petition of Jos. W. Young and sixty one others, settlers on the Muddy, asking for a county organization, which was read, and,

On motion of Councilor L. Snow, was referred to the committee on counties.

On motion of Councilor Smoot, the freedom of the Council Chamber was tendered to Major General F. P. Blair, General N. B. Buford and Col. C. Wandell, United States' Commissioners of the U. P. R. R.

On motion of Councilor Johnson, the same was tendered to Gen. S. M. Blair.

Councilor Smoot, chairman pro. tem of the committee on revenue, to whom was referred C. F. No. 3, with certain instructions, reported the bill back, and presented C. F. No. 4, a bill entitled "An Act to amend an act, entitled an act prescribing the manner of assessing and collecting Territorial and County taxes, and for other purposes, approved Jan. 20, 1865," as being, in the judgment of said committee, all the legislation necessary on the subject.

The bill was read, and,

On motion of Councilor E. Snow, was read the second time by sections, and,

On motion of Councilor Woodruff, was read the third time by its title and so passed and sent to the House for concurrence.

Councilor Woodruff presented C. F. No. 5, "An Act to provide for mechanics and laborers' lien," which was read, and,

On motion of Councilor L. Snow, passed its first reading, and one hundred copies were ordered printed.

Councilor Woodruff also presented C. F. No. 6, "An Act providing for interest of money," which was read, and,

On motion of Councilor Smoot, passed its first reading, and one hundred copies were ordered printed.

Councilor Smoot presented C. F. No. 7, "An Act prescribing rules and regulations for the execution of the trust arising under an

act of Congress, entitled an act for the relief of the inhabitants of cities and towns upon the public lands," approved March 2, 1867, which was read, and,

On motion of Councilor Harrington, passed its first reading, and one hundred copies were ordered printed.

Minutes called for, read and accepted.

On motion of Councilor Johnson, Council adjourned till ten a.m. to-morrow.

Benediction by the Chaplain.

—o—

HOUSE.

REPRESENTATIVES' HALL, City Hall,
Salt Lake City, Jan. 25, 1869.

House met pursuant to adjournment.

Roll called. Quorum present.

Prayer by Mr. Snow.

A communication from Dr. T. C. Durant, Vice President U. P. R. R. Co., acknowledging the courtesy of the freedom of the House, was received and read.

Mr. Midgley presented report of the financial condition of Juab County, which was read, and,

On motion of Mr. Maughan, was referred to the committee on revenue, and ordered spread on the minutes.

ANNUAL REPORT

Of the Financial Condition of Juab County, Utah Territory, for the Year ending June 1st, 1868.

—o—

TO THE LEGISLATIVE ASSEMBLY OF THE TERRITORY OF UTAH:

Gentlemen:—The enclosed report of the financial condition of the County of Juab, for the year ending June 1st, 1868, is a true copy of the original on file in my office.

Your obedient servant,

SAMUEL PITCHFORTH,
Clerk of Co. Court of Juab Co., Utah Ter.

Nephi, Jan. 18, 1869.

STATEMENT NO. 1. RECEIPTS.

Amount remaining to the credit of the county, June 1, 1867	$ 577 95	
Amount collected and due from taxes for 1867	1199 59	
" derived from fines for 1867	375 54	
" " " sale of estrays	47 50	
" " " licenses	30 00	
	$2230 58	$2230 58

STATEMENT NO. 2. DISBURSEMENTS.

Amount expended on roads and bridges	$ 484 45
" appropriated to purchase picks and tools	36 00

Amount appropriated to pay for fence viewing	27 00	
" " " criminal expenses	39 00	
" " " wolf scalps	10 00	
" " " estray pound	470 00	
" " " the expense of holding County Courts, Clerks' fees, stationery and postage for the year	97 75	
	$1164 20	$1164 20

RECAPITULATION.

Receipts, Statement No. 1	$2230 58
Disbursements Statement No 2	1164 20
Amount remaining to the credit of Juab Co.	$1066 38

County Clerk's Office, Nephi, June 1, 1868.

SAMUEL PITCHFORTH, County Clerk.

Mr. John Taylor presented report of the financial condition of Utah County, which was read, and,

On motion of Mr. Rockwood, was referred to the committee on revenue, and ordered spread on the minutes.

STATEMENT of FINANCES

Of Utah County, from May 1st, 1860, to April 15th, 1868.

County Clerk's Office, Provo City, Jan. 20, 1869.

To the Hon. the Governor and
Legislative Assembly of Utah Ter.

Gentlemen:—Herewith please find financial statement of Utah County from May 1st, 1860 to April 15th, 1868, as per legislative enactment.

Respectfully, yours truly,
L. JOHN NUTTALL, Clerk Utah Co.

April 15, 1868.

By amount in Treasury, as per report May 1, '60	1106 87	
" delinquent tax "	842 52	
By assessment for the year 1860	3350 48	
" " " 1861	3831 12	
" " " 1864	2505 61	
" " " 1865	5366 90	
" " " 1866	7088 16	
" " " 1867	6548 95	
By amount received on licenses	82 00	
" " on fines in Justices court	1252 69	
" " " Probate court	5889 80	
" " profit and loss account	54 81	"
" " use of co. and precinct pds.	1010 87	"
" due to sundry individuals	846 17	
	$38775 25	
By amount in favor of county to balance acct.	2135 58	
	$40910 83	

April 15, 1868. CONTRA.

To amount paid on court house, old	$2284	61
" " " new	5092	16
" " roads, bridges, etc	3959	15
" " officers of county court, stationery, books, printing, rent, fuel, celebration appropriations, etc	3999	21
To amount paid on election expenses	822	75
" collectors percentage and remitted taxes	4816	23
To amount paid pauper and coroner's account	1538	80
" " building co. and precinct pds.	1618	00
" " due officers of Probate court, grand and petit juries, witnesses, lights, fuel, stationery, etc	8222	56
To amounts due on sundry accounts	1813	94
" " delinquent taxes	6743	42
	$40910	83

I, John Nuttall, Clerk Utah County, Utah Territory, certify that the foregoing is a correct statement of said County Finances from May 1st 1860 to April 15th, 1868; also a correct copy of statement as posted in County Clerk's office April 23, 1868, as prescribed by legislative enactment.

In testimony whereof witness my hand and seal of said County this 20th day of January, 1869.

L. JOHN NUTTALL, Clerk Utah Co.

Provo City, April 23, 1868.

Mr. Maughan moved that the freedom of the House be tendered to Gen. Frank P. Blair, Gen. N. B. Buford and Bol. Wendell, U. S. Commissioners of the U. P. R. R.

Seconded and carried.

On motion of Mr. Rockwood, one hundred copies of "An Act providing for the incorporation of railroad companies, and the management of the affairs thereof," was ordered printed for the use of the Assembly.

Mr. Rockwood presented report of the Territoriol Road Commissioner, which was read, and,

On motion of Mr. Reese, the report was referred to the committee on roads, bridges, etc., and seventy-five copies thereof ordered printed in pamphlet form for the use of the Assembly.

REPORT OF
TERRITORIAL ROAD COMMISSIONER

—o—

TERRITORIAL ROAD COMMISSIONER'S OFFICE,
Salt Lake City, Jan. 21, 1869.

TO THE HON. THE LEGISLATIVE ASSEMBLY
OF THE TERRITORY OF UTAH,

GENTLEMEN:—I have the honor to present my annual report of the amount expended upon roads and bridges during the year ending Dec. 31, 1868.

In March last, a portion of the Sevier bridge was carried away by the ice; and, as it is upon the main thoroughfare between the

north and the south, immediate measures were taken to thoroughly repair the same; and eight hundred and seventy-six (876) dollars was expended thereon.

A bridge has been built across the Provo river, three hundred (300) feet in length. The bridge rests upon piles; is twenty feet wide and is planked with four-inch red pine plank.

A contract for building a bridge two hundred and fifty (250) feet in length, across the Provo river was made with A. Gardner, Esq., for seven thousand (7000) dollars; afterwards it was thought advisable to extend the same fifty (50) feet but before its completion, a portion of it was swept away by the flood; afterwards a king-post structure fifty-eight (58) feet in length was built over the main stream, involving an additional expense of four thousand (4000) dollars.

A contract for building a bridge, etc., over the American Fork river was made with Hon. L. E. Harrington, for six hundred (600) dollars, the same was completed and rendered efficient service during the high water of the past season. The balance of the appropriation, four hundred (400) dollars has been expended upon the road between Lehi and Pleasant Grove.

About nine thousand five hundred (9500) dollars of the appropriation of ten thousand (10,000) dollars made in 1867 for the State road south, has been expended. Several bridges have been built and repaired, and four hundred and eighty (480) rods of road has been turnpiked and thoroughly graded. The road requires a further outlay for its improvement, and I respectfully recommend that an appropriation be made for that purpose.

There has been expended on the State road west, six hundred and forty-six and eighty-six one-hundredth (646.86) dollars. The high waters of the past season involved the larger portion of the expense and the balance of the expenditure was for bridge plank and repairing bridges.

The appropriation of five hundred dollars for improving the roads in Davis County, has also been expended by the County Court of said county, according to the conditions of the appropriation.

The bridge over the Weber river was in part swept away by the high waters of June last; several persons in Weber County, under the direction of Hon. John Taylor, have repaired the same at a cost of three thousand four hundred and seventy-five dollars and forty cents. ($3475 40)

I respectfully recommend that appropriations be made to cancel the amounts expended on the Sevier, Provo and Weber bridges and the State road running west, amounting in the aggregate to eight thousand nine hundred and ninety-eight dollars and twenty-six cents.

Very respectfully,

THEODORE McKEAN,
Territorial Road Commissioner

On motion of Mr. Rockwood, the committee on counties were instructed to examine the quarantine laws and see if any further legislation thereon is necessary to prevent the spread of contagious diseases.

Minutes called for, read and accepted.

On motion of Mr. W. G. Smith, the House adjourned till 10 A.M. to-morrow.

Benediction by Mr. Reese.

TUESDAY, JANUARY 28, 1869.

COUNCIL.

COUNCIL CHAMBER, City Hall,
Salt Lake City, Jan 28, 1869, 10 a.m.

Council met pursuant to adjournment.
Roll called. Quorum present.
Prayer by the Chaplain.

Councilor E. Snow, chairman of the committee on Indian affairs, to whom was referred the petition of Walter Jones, asking for relief for expense incurred in consequence of a wound received in service against Indians in Sanpete County, reported the same back and recommended that the committee on claims and appropriations be instructed to incorporate the sum of three hundred dollars in the general appropriation bill for his relief.

On motion of Councilor Harrington, the report was received and the committee instructed accordingly.

Councilor Smoot presented petition of the Mayor and citizens of Salt Lake City for an appropriation for the erection of an hospital, which was read, and,

On motion of Councilor E. Snow, said petition was referred to a committee of the whole, to meet to-morrow at 11 o'clock a.m.

Councilor E. Snow presented statement of Hon. A. P. Rockwood, Warden of the Penitentiary of Utah, suggesting the passage of an act regulating the labor of convicts sentenced to the Penitentiary, which was read, and moved its reference to the committee on Penitentiary.

C. F. No. 7, "An Act prescribing rules and regulations for the execution of trust arising under cities and towns upon the public lands," approved March 2, 1867, was taken up on its second reading, pending which the Council took a recess till two o'clock p.m.

2 P. M.

Council resumed its session.

The second reading of C. F. No. No. 7, was resumed, pending the consideration of which,

On motion of Councilor Harrington, the Council adjourned till to-morrow at 10 a.m.

Minutes read and accepted.

Benediction by the Chaplain.

HOUSE.

REPRESENTATIVES' HALL, City Hall,
Salt Lake City, Jan, 26, 1869.

House met pursuant to adjournment.
Roll called. Quorum present.
Prayer by Mr. Evans.

The foollwing message was received and read:

Council Chamber, Jan. 25, 1869.

Hon. Orson Pratt, Sen., Speaker, and Members of the House of Representatives:

Gentlemen.—The Council has passed C. F. No. 4, "An Act to amend an act, entitled an act prescribing the manner of assessing and collecting Territorial and County taxes, and for other purposes," approved Jan. 20, 1865, which is respectfully forwarded to your Honorable body for concurrence.

Very respectfully,

GEO. A. SMITH, President of the Council.

Said bill, C. F. No. 4, "An Act to amend an act, entitled an act prescribing the manner of assessing and collecting taxes and for other purposes," approved Jan. 20, 1865, was read the first time, and, On motion of Mr. John Taylor, was referred to the committee on judiciary.

Mr. Rockwood presented the following report:

Committee Room, Jan. 26, 1869.

To the Speaker and Members of the House of Representatives:

Gentlemen—Your committee on municipal corporations and town sites, to whom was referred the subject of "chain gangs," as referred to in paragraphs 26 and 27 of the Governor's Message, have taken the subject into consideration and concur in the sentiments advised, but inasmuch as the term of service of convicts is usually shortened by executive clemency, so that it is seldom that one is in custody more than a few months, and furthermore the public are not suitably provided with accommodations to keep prisoners in close confinement, and apply their labors to mechanism, hence the necessity of working convicts outside of the prison walls. Under such circumstances it becomes necessary in many cases to apply the chains for the security of convicts.

Therefore, we deem it unnecessary to further legislate on the subject.

Very respectfully,

A. P. ROCKWOOD, Chairman.

On motion of Mr. John Taylor, the committee were discharged from the further consideration of the subject.

Minutes called for, read and accepted.

On motion of Mr. F. M. Lyman, House adjourned till ten a. m. to-morrow.

Benediction by Mr. Maughan.

———:o:———

WEDNESDAY, JANUARY 27, 1869.

COUNCIL.

COUNCIL CHAMBER, City Hall,
Salt Lake City, Jan. 27, 1869.

Council met pursuant to adjournment.
Roll called. Quorum present.
Prayer by the Chaplain.

Councilor Johnson presented C. F. No. 8, "An Act for the incorporation of benevolent, charitable, scientific or literary institutions," which was read, and,

On motion of Councilor L. Snow, was laid on the table to come up in its order.

Councilor Woodruff, chairman of the committee on agriculture, trade and manufactures, to whom was referred H. F. No. 9, "An Act pertaining to sheep," reported the same back amended and recommended its passage as amended.

The bill was read as amended, and,

On motion of Councilor Callister, was laid on the table to come up in its order.

On motion of Councilor Smoot, the Council went into committee of the whole to consider the petition of the Mayor and citizens of Salt Lake City for an appropriation for the erection of an hospital, Councilor Smoot in the chair,

Councilor Harrington moved that the committee report a recommendation to grant ten thousand dollars on said petition extending an invitation to Salt Lake County and City, and the other counties and cities in the Territory to aid the enterprise, and recommend the appointment of a special committee, to act with a like committee of the House, to draft a bill for an act to carry out the object of the petitioners.

On motion of Councilor Benson, the committee arose.

Councilor Smoot, chairman of the committee of the whole, reported the action of the committee, and recomamended the appointment of a special committee in pursuance of the above motion.

The President appointed Councilors Woodruff, Harrington and E. Snow said committee.

Adjourned till 2 p.m.

TWO P. M.

Council resumed its session.

The second reading of C. F. No. 7, "An Act prescribing rules and regulations for the execuution of the trust arising under an Act of Congress, entitled 'An Act for the relief of the inhabitants of cities and towns upon the public lands,'" approved March 2, 1867, was resumed, and pending its consideration,

On motion of Councilor Smith, was referred to the committee on municipal corporations and town sites.

Minutes called for, read and accepted.

On motion of Councilor Smith, Council adjourned till to-morrow at ten o'clock a.m.

Benediction by the Chaplain.

HOUSE.

REPRESENTATIVES' HALL, City Hall,
Salt Lake City, Jan. 27, 1869.

House met pursuant to adjournment.

Roll called. Quorum present.

Prayer by the Chaplain.

Mr. Rowberry presented report of the financial condition of Tooele County, which was read, and,

On motion of Mr. Maughan, was referred to the committee on revenue, and the report ordered spread on the minutes.

FINANCIAL REPORT OF TOOELE COUNTY.

To the Honorable the Legislative Assembly
of the Territory of Utah:

Gentlemen:—In accordance with the provisions of an Act approved February 21st, 1868, I herewith furnish a copy of the receipts and expenditures for the year ending June the 1st, 1868.

Respectfully, RICHARD WARBURTON, Clerk.

TAX ACCOUNT.

To indebtedness of H. S. Gowans, Collector, June 1, 1867	$3163 24	
To county tax for 1868	1799 21	
	4962 45	
By payments of H. S. Gowans	1550 68	
Total amount of tax due		$3411 77

FROM JUSTICE'S DOCKET.

To amount assessed as fines	20 00	
By amount paid Treasurer	20 00	
Balance due		00 00

FROM PROBATE DOCKET.

To amount assessed as fines	180 95	
By amount paid Treasurer	110 95	
Balance due		70 00

ESTRAY POUND ACCOUNT.

To balance due by poundkeeper, June 1st, 1867	1203 20	
By allowance for stock claimed after sale, ecte.,	179 00	
Amount paid to Treasurer and placed to the credit of the Supt. of Common Schools	1024 20	
Total amount due the Treasury		$481 47

Amount in Treasury June 1st, 1867, and the receipts till June 1st 1868; with the sources of revenue.

Amount in the hands of Treasurer June 1st, 1867	1640 44	
Received from Justices	20 00	
" " Probate Court	110 95	
" " H. S. Gowans, Collector	1550 68	
" " County Poundkeeper	1024 20	
" " Licenses	113 00	
Total amount received by Treasurer	4449 27	
Amount of scrip paid into County Court	3012 87	
Balance in Treasury		1446 40

Amount of County Scrip issued from June 1st, 1867, until June 1st, 1868.

County Court, Probate Court, rent, stationery and other incidental expenses 1716 63

Building estray pound	$ 300 00
Total orders issued	$2016 63

Assets and liabilities from open accounts.

Amount due by H. S. Gowans Collector		$3411 77
" " Fine account		70 00
" " Individual accounts		356 43
		$3838 20

LIABILITIES.

Due on officers' accounts, jurors, witness fees, rent, stationery, etc., etc.	833 39
Due	$3004 81

RD. WARBURTON, Clerk.

The following report was read:

Committee Room, Jan. 27, 1869.

To the Speaker and Members of the House of Representatives.

Gentlemen—Your committee on Penitentiary, to whom was referred the report of the Directors and Warden of the Penitentiary, beg leave to report that we have carefully examined the reports and accounts, and made inquiry into the condition of the affairs of the Penitentiary; and are well satisfied with the way it has been conducted under the supervision of the Warden.

Your committee recommends that the committee on Claims and Appropriations be instructed to place in the Territorial appropriation bill the sum of $406 04 to be paid out of the money in the Territorial Treasury for repairs and improvements on the Penitentiary.

Also an appropriation of $850 50 in payment of labor performed by convicts on the public roads, in the summer of 1867.

Also an appropriation of two thousand dollars to meet the current expenses of the ensuing year.

And a further sum of twelve hundred dollars to pay the Warden's salary for the year 1868.

Your committee to whom was referred that portion of the Governor's message that relates to the improving, or re-building, of the Penitentiary, have taken the matter into consideration and endorse the sentiments therein expressed, and recommend that the committee on Petitions and Memorials be instructed to draft a memorial to Congress, asking that the internal revenue derived from this Territory for the next ensuing three years be appropriated and set apart for that purpose.

ENOCH REESE, Chairman.

On motion of Mr. John Taylor, the report was received, and the committee on claims and appropriations instructed to insert the sums recommended by the committee on Penitentiary, in the Territorial appropriation bill.

PENITENTIARY REPORT

FOR THE YEAR 1868.

WARDEN'S OFFICE, Utah Penitentiary,
Salt Lake City, December 1st, 1868.

HONS. FRED. KESLER, REUBER MILLER AND A. C. PYPER,
Directors of Utah Penitentiary:

GENTLEMEN:—I herewith submit a report of the expenditures, receipts and disbursements for the year ending Nov. 30th, 1868; also a general statement of facts which may aid you in making out your report to the Legislative Assembly as contemplated by law.

A. P. ROCKWOOD,
Warden of Utah Penitentiary.

DIRECTOR'S OFFICE, Salt Lake City, Dec. 26, '68.

MR. SPEAKER AND MEMBERS OF THE HOUSE
OF REPRESENTATIVES OF THE TERRITORY OF UTAH.

Gentlemen:—We herewith submit our report as required by law. We find by the Warden's report to us submitted under date of Dec. 1, 1868, which accompanies this for your consideration, that he has expended $406 04 for repairs of the building, all of which we deemed necessary for the preservation thereof.

We respectfully recommend that said sum of $406 04 be appropriated to be paid out of the money in the Territorial Treasury for repairs and improvements on the Penitentiary. We also recommend an appropriation of $825 50 in payment of labor performed by convicts on the public roads in the summer of 1867.

We recommend an appropriation of three thousand dollars to meet the current expenses of the ensuing year.

Respectfully submitted,

REUBEN MILLER,
ALEX. C. PYPER, } Directors of Utah Penitentiary.

FINANCIAL.

The following statement shows the amount expended in the several departments of the institution, from the 30th day of November, 1867, to the first day of December, 1868:

Expenses in the guard department		$2413 62
" " supply department		1233 79
" " clothing and bedding dep't		416 49
" " fuel department		467 64
" " furniture department		259 88

" " tool department	$ 469 92	
" " office, medical, etc., department	304 54	
Total expenses for one year	$5565 83	
Amount of labor performed by convicts		$2857 59
Property on hand in excess of the amount reported in the annual report of 1867		206 87
Which amount, deducted from the expenses, shows the expense of the institution for the year ending December 1st, 1868		2501 31
	$5565 83	$5565 83

RECEIPTS AND DISBURSEMENTS.

Amount received of outstanding debts reported in report of 1867	$1631 23
Amount received in drafts on Auditor of Public Accounts	2000 00
Amount received for labor of convicts	1822 62
Amount received for stock sold, reported in 1867	135 43
Amount laid out as set forth below	4989 28
	4989 28

OUTLAY AND INCOME ACCOUNT.

Amount of outlay in Guard Department	$2410 52	
" " " Supply "	1069 51	
" " " Cloth'g, bedding "	378 49	
" " " Tool "	298 87	
" " " Fuel "	818 89	
" " " Furniture, medical and office department	111 99	
Amount of outlay for repairs	406 04	
" " convict labor this year		2857 59
		2857 59
	$4989 28	$2857 59

AM'T. OF PROP'Y AND BILLS RECEIVABLE.

Amount shown in invoice of tools, furniture, cooking utensils, etc.	$1356 75
There remains due from the United States for keeping convicts in 1865	220 75
From other parties for labor in 1865	47 00
" repairs and rent, 1867	61 25
" road work in 1867	829 50
" E. Hensley	4 16
Uniled States for expenses accruing in executing sentence on military convicts in 1868	1144 99
For repairs of institution	406 04
For Supt. of S. L. City and Wasatch wagon road	222 00
For Deseret News Office for labor of convicts	105 89
" Mr. Rodaback on note	64 88
" S. L. County for convict labor	63 25

"	Big Kanyon tannery convict labor	$ 41 00	"
"	Sundry persons	60 83	"
"	A. P. Rockwood, the financial officer	222 04	1349 82
			1349 82
Amount of property and bills receivable in report of 1867			1062 95
Excess of stock as set forth above			286 87
			1349 82

HISTORICAL.

In the month of September the roof of the Warden house was blown off and the building otherwise damaged. I immediately reported the facts to your Honors and carried out your recommendations by repairing it expeditiously. The expense attending it was four hundred and six dollars and four cents, which was paid out of the funds of the institution. Perhaps this was without authority of law; but the emergency of the case required it to be repaired for the preservation of the building and the convenience of the officers of the institution.

On the 3d of July two military convicts were delivered to me by the military authorities of Camp Douglas; having no arrangements with the U. S. military department I addressed a letter to the military authorities on the subject. In reply Asst. Adjt. Gen. E. D. Townsend officially informed me that the Penitentiary at Salt Lake City was designated as a place of confinement for military convicts by order of the Secretary of War. He also informed me that Gen. C. C. Augur, commanding the district of the Platte, was instructed to make the necessary arrangements for the expense attending the carrying out of the sentence of the court martial. I have communicated with Gen. Augur on the subject, but as yet have had no reply.

The Penitentiary is in a dilapidated condition and needs a general overhauling, or rather the construction of a new building. The general health of the convicts has been very good, and will compare favorably with any other class of citizens; most of them have been quiet, peaceable and diligent in the duties and labors assigned them; also watchful for an opportunity to obtain their liberty.

The following table sets forth the names of the convicts in custody during the year, also time of commitment, term of sentence and crime.

Territorial Convicts.

NAMES.	COMMITTED.	TERM.	CRIME.
Thomas Jose,	Sept. 17, 1867.	10 yr's	murder 2d deg.
Michael Kelly	June 23, "	2 "	larceny
John Hudson	Sept. 14, "	5 "	manslaughter.
William Smith	Sept. 15, "	10 "	ass'lt int. to kill
Charles D. Nash	Oct. 27, "	1 "	larceny
Henry Worth	" " "	6 "	"
Orville Hardy	" " "	4 "	"
Michael Raider,	Dec. 27, "	3 mo's	"
F. Cook, alias Stockfield	March 7, 1868.	3 yr's	"
Niels Rasperson	" "	3 "	"
Charles Dunning	July 10, "	3 "	"
James Irving	Feb. 8, "	1 "	"
George Seymour	Dec. 27, 1867.	3 mo's	"
Jacob Cloud	" 30, "	1 year	"
Don Frazier	June 9, 1868.	5 "	"
David Best	" "	5 "	"
George Jenner	Sept. 14, "	3 "	attempt at rape
United States Convicts:			
Wm. Thompson	July 3, 1868.	2 yr's	larceny
Wm. H. Harrison	" "	2 "	"
Peter Streeter	Oct. 5, 1868.	2 "	"

Convicts in custody during the year are 25 per cent. less in number than last year.

Five remain in custody, all in good health; 19 have been discharged by due course of law and two have escaped. Total, 30.

Gentlemen:—If any further information or explanation is necessary to give you a more perfect understanding, the books, papers and service of your servant are at your command.

A. P. ROCKWOOD,
Warden of Utah Penitentiary.

Mr. Snow presented H. F. No. 10, "An Act defining the duties of Territorial, County and municipal officers having the management and expenditure of public funds," which was read, and,

On motion of Mr. John Taylor, was referred to the committee on judiciary, and one hundred copies thereof ordered printed for the use of the Assembly.

Mr. Snow presented H. F. No. 11, "An Act to limit the time within which civil actions may be sustained in the courts of the Territory of Utah," which was read, and,

On motion of Mr. Lyman, was referred to the committee on judiciary, and one hundred copies thereof ordered printed for the use of the Assembly.

Minutes called for, read and accepted.

On motion of Mr. Rowberry, House adjourned till ten a.m. to-morrow.

Benediction by the Chaplain.

THURSDAY, JANUARY 28, 1869.

COUNCIL.

COUNCIL CHAMBER, Salt Lake City,
Jan. 28, 1869, 10 a.m.

Council met pursuant to adjournment.

Roll called. Quorum present.

Prayer by the Chaplain.

Councilor Smoot presented petition of James E. Brearley and others, praying for a city charter for Echo City, which was read, and,

On motion of Councilor Harrington, the petition and bill C. F. No. 9, were referred to the committee on municipal incorporations.

Councilor Smoot presented C. F. No. 10, "An Act to simplify and improve the taking of evidence in civil cases," which was read the first time, and,

On motion of Councilor Smoot, was referred to the committee on judiciary.

Councilor Benson presented petition of Evan M. Greene and 96 others, for an extension of the boundary limits of Smithfield, Cache county, which was read, and,

On motion of Councilor Benson, was referred to the committee on municipal corporations and town sites.

C. F. No. 5, "An Act to provide for mechanics' and laborers' lien," was taken up on its second reading by sections, pending the reading of which,

On motion of Councilor Benson, was laid on the table till two o'clock p. m.

C. F. No. 6, "An Act providing for interest of money," was called up on its second reading, pending the reading of which, the Council took a recess till two o'clock p.m.

TWO P. M.

Council resumed its session.

The second reading of C. F. No. 6, "An Act providing for interest of money," was resumed and the bill amended, and,

On motion of Councilor Smoot, was referred back to the committee on revenue.

C. F. No. 5, "An Act to provide for mechanics' and laborers' lien," was taken up on its second reading, and,

On motion of Councilor Harrington, was referred back to the committee on agriculture, trade and manufactures.

H. F. No. 9, "An Act pertaining to sheep," was taken up on its second reading and amended, and,

On motion of Councilor Smoot, passed its second reading as amended, and,

On motion of Councilor Woodruff, was read the third time, and so passed and the House notified accordingly.

Councilor Haight, chairman of the committee on Penitentiary, to whom was referred the communication of the Warden of the Penitentiary, presented the following report:

Council Chamber, Jan. 28, 1869.

To the President and Council:

Gentlemen: Your committee, to whom was referred the communication of A. P. Rockwood, asking for legislation authorising the application of labor of convicts on the public highways, deem it inexpedient, under existing circumstances, to further legislate on this subject.

Very respectfully,

H. C. HAIGHT.

Which was read, and,

On motion of Councilor Woodruff, was accepted, and the committee discharged from the further consideration of the subject.

Minutes called for, read and accepted.

On motion of Councilor Woodruff, Council adjourned till 10 a.m. to-morrow.

Benediction by the Chaplain.

HOUSE.

REPRESENTATIVES' HALL, City Hall,
Salt Lake City, Jan. 28, 1869.

House met pursuant to adjournment.

Roll called. Quorum present.

Prayer by the Chaplain.

Mr. S. S. Smith presented petition of Ebenezer Hanks and others, citizens of Iron County, asking the Legislative Assembly to join them in memorializing Congress for a subsidy of land on which they had erected iron works, which was read, and,

On motion of Mr. Pace, said petition was referred to the commistee on petitions and memorials.

The following message was received and read:

Council Chamber, Jan. 27, 1869.

Hon. Orson Pratt, Sen., Speaker, and
Members of the House of Reps:

Gentlemen:—Councilors Woodruff, Harrington and E. Snow are appointed a committee on behalf of the Council, to act with a like committee from the House, in considering the accompanying petition of citizens of Salt Lake City for an appropriation to build an hospital.

Very respectfully,

GEO. A. SMITH,
President of the Council.

Said petition from the Mayor of Salt Lake City, Probate Judge and selectmen of Salt Lake County, asking for an appropriation of ten thousand dollars, to assist in the erection of a hospital was read, and,

On motion of Mr. Rowberry, was referred to a special committee to act with a like Council committee on the consideration of the subject.

The Speaker appointed Messrs. Rockwood, J. F. Smith, Reese and Thurber said special committee.

Mr. Snow presented petition of Wm. P. Sargent and 31 others, citizens of Washington county, praying for an appropriation for road purposes, which was read, and,

On motion of Mr. Thurber, said petition was referred to the committee on roads, bridges, etc.

Mr. Rowberry presented petition of Cyrus Bates and 27 others, citizens of Grantsville City, praying for amendments to their city charter in boundaries, and time of holding elections, which was read, and,

On motion of Mr. Thurber, was referred to the committee on elections and municipal corporations.

Mr. Pace presented the following report:

Committee Room, Jan. 28, 1869.

Mr. Speaker, and Gentlemen of the House of Representatives:

Gentlemen:—Your committee on counties, to whom was referred the motion of Mr. Rockwood relative to quaratine laws, beg leave to report that they have carefully examined the statutes upon this subject, and find that in addition to an act approved Jan. 14, 1857, authorizing county courts to establish quarantine grounds, etc., that the principal city incorporations have authority granted in their charters, "To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws and enforce the same within the city, and around it, not exceeding twelve miles next beyond the bounds thereof;" hence we deem further legislation upon this subject unnecessary.

Very respectfully,

WM. B. PACE, Chairman.

On motion of Mr. Rich, the report was received, and the committee discharged from the further consideration of the subject.

The following communication was received and read:

To the Honorable the Legislative Assembly of the Territory of Utah:

Gentlemen:—During the year 1868 there has been three sheets of four pages each of Marks and Brands printed and distributed throughout the Territory. The account current for printing said sheets is as follows, to say,

Balance unexpended per report Dec. 12, 1867	$ 11 17
Appropriation February 21, 1868	300 00
Total	$311 17
Deseret News Office bills for three sheets marks and brands	$255 00
Paid Mrs. Emma Kelley for folding same	5 00
	$260 00
Leaves unexpended per Auditor's report Dec. 12, '68	$ 51 17
There has been another sheet printed since the Auditor's report was handed in, the cost of which, with the folding, amounts to	30 00

Of which there is on hand as above 52 17

Leaving a deficiency of ..... $ 37 83

There will probably be three more sheets recorded and printed during the year 1869, making a further expenditure of $258 00 necessary. I would, therefore respectfully, request that the sum of three hundred dollars be inserted in the appropriation bill for this purpose.

I would further report that there are twelve pages of printed marks and brands of those recorded in the years ranging from 1858 to 1862, the copies of which are nearly all absorbed, and it is safe to conclude that within the year 1869 there will not be sufficient to supply the demand. A reprint would probably cost an additional outlay of $258. If your Honorable body regard it as wisdom to reprint said sheets, an appropriation for the purpose will be necessary.

Very respectfully, your obedient servant,

WM. CLAYTON, Recorder of Marks and Brands.

Salt Lake City, Jan. 28, 1869.

On motion of Mr. Maughan, the communication was referred to the committee on claims and appropriations.

Mr. Rowberry, presented "An Act to amend an act entitled an act to incorporate the city of Grantsville," approved Jan. 12, 1867, which was read the first time, and

On motion of Mr. John Taylor, was referred to the committee on municipal corporations and town sites.

Minutes called for, read and accepted.

On motion of Mr. Thurber, House adjourned till ten a.m. to-morrow.

Benediction by the Chaplain.

FRIDAY, JANUARY 29, 1869.

COUNCIL.

COUNCIL CHAMBER, City Hall,
Salt Lake City, Jan. 29, 1869, 10 o'clock a.m.

Council met pursuant to adjournment.

Roll called. Quorum present.

Prayer by the Chaplain.

Councilor E. Snow moved that the committee on municipal corporations and town sites be instructed to enquire into the expediency of reporting a general bill for the incorporation of towns in this Territory.

The motion was negatived.

Councilor Callister presented petition from Culbert King and 60

others, citizens of Kanosh city, Millard county, which was read, and,

On motion of Councilor L. Snow, was referred to the committee on municipal corporations and town sites.

Councilor Smoot presented a communication from Hon. E. D. Hoge, Associate Justice, which was read, and,

On motion of Councilor E. Snow, was referred to the committee on revision.

C. F. No. 8, "An Act for the incorporation of benevolent, charitable, scientific or literary institutions," which had been laid on the table, was taken up on its second reading, pending which,

On motion of Councilor Callister, it was referred to the committee on education.

On motion of Councilor E. Snow, Council took a recess till 2 p.m.

TWO P. M.

Council resumed its session,

Councilor Woodruff, chairman of the committee on agriculture, trade and manufactures, to whom was referred C. F. No. 6, "An Act providing for interest of money," reported the bill back, and recommended its passage.

On motion of Councilor Smoot, the report was accepted, and the bill read, and,

On motion of Councilor Harrington, passed its second reading, and,

On motion of Councilor Smoot, was read the third time by its title, and so passed, and sent to the House for concurrence.

Councilor Woodruff, chairman of the committee on agriculture, trade and manufactures, to whom was also referred C. F. No. 5, "An Act to provide for mechanics' and laborers' lien," reported back the bill with amendments, and recommended its passage as amended.

On motion of Councilor Smoot, the report was accepted, and the bill read and further amended, and,

On motion of Councilor Woodruff, passed its second reading, and,

On motion of Councilor Smoot, was read the third time by its title, and so passed and sent to the House for concurrence.

The following communication was received from the House, and read,

Representatives' Hall, S. L. City, Jan. 29, 1869.

Hon. Geo. A. Smith, President, and Members of the Council:

Gentlemen:—The House has concurred in your amendments to H. F. No. 9, "An Act pertaining to sheep;" also passed H. F. No. 12, "An Act to amend an act incorporating the city of Grantsville. The latter bill is respectfully forwarded for the action of your Honorable body.

Very respectfully,

ORSON PRATT, Sen., Speaker.

The bill was read, and,

On motion of Councilor Harrington, was referred to the committee on municipal corporations and town sites.

Councilor E. Snow presented the following report.

To the Members of the Council and
House of Representatives of the Territory of Utah,

Gentlemen:—In the Territorial appropriation bill, approved, Feb. 21st, 1868, it was provided that the sum of $1500.00, be expended under my direction "for altering and improving the road between Beaver Dam Wash and the Muddy." Also $1000.00 "for changing, marking and improving the road between Kanarah and Harrisburg."

In relation to the manner in which this trust has been executed, I would respectfully represent that the old route to the Muddy lay along the Rio Virgen, which stream it crossed many times to avoid perpendicular cliffs. These crossings are mostly quicksand, and during high water, are dangerous, and at times, impassable, several loads of freight having been lost, and three persons drowned in the river within the last few years. To avoid this, I explored and located a new road, diverging from the old one, just beyond the mountain spur west of St. George, crossing the Beaver Dam Wash seven miles above its mouth, rising the bench and continuing a little south of west to the south base of the Muddy Peak, from which point, we located one road south to St. Joseph, and another north of west to the Upper Muddy. This route is about the same distance as the old one to St. Thomas, ten miles shorter to St. Joseph, and twenty to the Upper Muddy. In rising on to the Muddy bench and descending from it, as well as in crossing some gulches emptying into the river, several extensive dugways had to be made. I let some jobs, and employed some hands by the day, and opened the road for travel about the first of May. During the summer, the only watering place upon this route failed, and we were under the necessity of sinking a well at considerable expense. The first attempt was a failure, but the second successful. Total amount expended on the road, including the well and its appurtenances, is two thousand, one hundred and thirty-five dollars and forty-seven cents, being $635.47 in excess of the appropriation.

The old road between Kanarah and Harrisburg, built by donations from Washington and Kane counties, was unfortunately located and had become almost impassable. On examination in March, it was found that to put the old road in repair would require an outlay far exceeding the appropriation, and then would not be where all good judges now thought it should be located.

After consulting with the Auditor and Commissioner, and other leading citizens, it was decided to locate a new road down the east side of Ash creek and make the first and most difficult section at once, and trust to the Legislature to make a further appropriation to cover the expense. This road was opened to the public in June and though unfinished, affords general satisfaction. The amount expended is $5551 09, being $4551 09 in excess of appropriation. Most of this sum is due the assessor and collector of Washington county, the labor being largely applied in payment of taxes. Vouchers for the foregoing expenditures having been examined and approved by the Auditor of Public Accounts, are herewith respectfully submitted to the Legislative Assembly. To complete the first and build the second section of this road as contemplated, will require a further outlay of at least five thousand dollars.

ERASTUS SNOW.

Which was read, and,

On motion of Councilor E. Snow, was referred, with the accom-

paying vouchers, to the committee on roads, bridges, etc.

The following communication was received and read:

Representatives' Hall, Salt Lake City, January 29, 1869.

Hon. George A. Smith,

President of the Council, etc.,

Gentlemen—The enclosed bill, C. F. No. 3, entitled "An Act to amend an act entitled an act prescribing the manner of assessing and collecting territorial and county taxes, and for other purposes, approved Jan. 20, 1865," has been passed, as amended.

The enclosed memorial to Congress has been adopted, and is respectfully forwarded for your action thereon, with accompanying petition of Ebenezer Hanks and others.

Very Respectfully,

ORSON PRATT, Sen., Speaker.

Minutes called for, read and accepted.

On motion of Councilor Woodruff, the Council adjourned till 10 a. m. to-morrow.

Benediction by the Chaplain.

HOUSE.

REPRESENTATIVES' HALL, City Hall,
Salt Lake City, Jan. 29, 1869.

House met pursuant to adjournment.

Roll called. Quorum present.

Prayer by the Chaplain.

The following was received and read:

Council Chamber, Jan. 28, 1869.

Hon. Orson Pratt, Sen., Speaker of the
House of Representatives:

The Council concurs in H. F. No. 9, "An Act pertaining to sheep" with accompanying amendments.

Very respectfully,

GEO. A. SMITH, President of the Council.

Said bill, H. F. No. 9, "An Act pertaining to sheep," was read as amended by the Council, and,

On motion of Mr. Maughan, the House concurred in the Council amendments.

Mr. Maughan, chairman of special committee, to whom was referred "An Act pertaining to damage done by animals," reported accompanying substitute bill and recommended its passage.

Said substitute bill, H. F. No. 11, "An Act defining the duties of pound-keepers and for other purposes," was read the first time, and,

On motion of Mr. Farr, the report of the committee was received and sixty copies of the bill ordered printed.

Mr. John Taylor, chairman of committee on petitions and memorials, to whom was referred petition of Ebenezer Hanks and others, asking the Legislative Assembly to join them in memorial-

izing Congress for a grant of land on which they had erected iron works, reported memorial to Congress endorsing prayer of petitioners, with recommendation that the Hon. Wm. H. Hooper be requested to present the same to Congress for their action thereon.

On motion, the report was accepted, and said memorial was read and adopted.

Mr. Farr, chairman of committee on judiciary, to whom was referred C. F. No.3, "An Act to amend an act, entitled an act prescribing the manner of assessing and collecting Territorial and County taxes and for other purposes," approved Jan. 20, 1865, reported said bill back with amendments, and recommended its passage.

Said bill, C. F. No. 3, "An Act to amend an act, entitled an act prescribing the manner of assessing and collecting Territorial and county taxes, and for other purposes," approved Jan. 20, 1865, was read the first time as amended, and,

On motion of Mr. Maughan, passed its second reading, and,

On motion of Mr. Rowberry, said bill was read the third time by its title.

The title was read, approved, and the bill so passed.

Mr. Farr, chairman of committee on Judiciary, to whom was referred H. F. No. 10, "An Act defining the duties of Territorial, county and municipal officers having the management and expenditure of public funds," reported adversely to the passage of said bill.

Mr. Farr presented report of the financial condition of Weber county, which was read, and,

On motion of Mr. Lyman, said report was referred to the committee on revenue, and ordered spread on the minutes.

FINANCIAL REPORT OF WEBER COUNTY.

County Clerk's Office, Weber County, U. T.
Ogden City, January 25, 1869.

The Honorable the Legislative Assembly of the
Territory of Utah:

Gentlemen: Agreeable to an act of the Legislative Assembly of the Territory of Utah, approved Feb. 21st, 1868, amending an act creating the office of selectmen, etc, approved January 8th, 1866, I herewith transmit the financial report of Weber County, for the fiscal year ending May 31st, 1868.

Very respectfully, your obedient servant,
WALTER THOMPSON, County Clerk.

RECEIPTS.

Balance in the Treasury per my last annual report, in wheat	$ 488 67	
Balance in the Treasury per my last annual report, in cash	17 22	
Amount received in wheat on taxes	114 08	
" " cash on fines	82 75	
Profit on wheat	15 75	
Total receipts		$ 718 47

DISBURSEMENTS.

To L. Farr on Weber bridge appropriation, in wheat	$ 407 50	
To W. Thompson, county clerk, for services, in wheat	37 00	
To J. Bateman, clerk of election, in wheat	2 00	
To D. Murdock for chairs for Court house, in wheat	48 00	
To L. J. Herrick, for services in wheat	37 25	
To A. F. Farr, Probate Judge, for services, in cash	5 00	
To L. Farr, Weber bridge appropriation "	47 75	
To W. Thompson, county clerk, "	4 45	
To J. Rice, Constable, N. Ogden, services "	7 00	
To G. Belnap, Sheriff, expenses with prisoners	6 00	
To J. Confield, County Treasurer, services cash	16 25	
For wood and other incidental expenses in "	17 55	
Balance in the Treasury this date in wheat	78 00	
" " " " cash	4 72	
Total		$ 718 47

County orders issued during the fiscal year ending May 31, 1868 and for what purposes.

For expenses of Sheriff taking prisoners to Penitentiary	$ 24 00	
For telegrams relating to apprehension of said prisoners	10 05	
For advertising general stock drive	5 00	
For repairing bridges on State road	199 50	
For chairs for court house, per D. Murdock	48 00	
For painting said chairs, per D. Kelson	15 00	
For firewood, candles, etc	9 50	
For services of S. Glasgow with selectmen	5 00	
For services of sundry persons as Grand Jurors Third District Court	12 95	
For services of sundry clerks of election, years 1865,-66-67	40 00	
For services of sundry judges of election of years 1865,-66-67	38 50	
For L. Farr, Weber bridge appropriation	1544 47	
For services J. Rice, Constable, N. Ogden	17 00	
" A. F. Farr, Probate Judge	12 00	
" L. J. Herrick, selectman	53 25	
" H. Holmes "	15 00	
" J. Spiers "	9 28	
" W. Thompson, County Clerk	75 13	
" D. Nelson, County Treasurer	25 00	
Total issued during the year		2158 63
In circulation per last annual report		2067 52
Total in circulation during the year		$4226 15
County orders redeemed in payment of taxes	$2721 63	
" " " at the Treasury	619 50	
Total redeemed		$3340 53

Deducting am't redeemed, leaves in circulation at this date		$ 885 62
Delinquent taxes as per my last annual report	$4512 13	
Assessment of 1867	2856 89	
Total due in 1867		7369 02

RECAPITULATION.

Collected in wheat as per receipts on taxes	$ 114 08	
Collected in county orders in payment of taxes	2721 03	
Total amount of taxes collected		2835 11
Deduct amount collected from am't due, leaves		$4333 91
Deduct per centage to Assessor and Collector for services		446 82
Leaves delinquent taxes at this date for past yrs.		$3887 09

WALTER THOMPSON, County Clerk,
Ogden City, Jan. 1, 1868. Weber County.

On motion of Mr. Rockwood, the Superintendent of the Salt Lake City and Wanship wagon road was granted the privilege of introducing a substitute report.

The following communication was received and read:

Executive Office, Utah Territory,
Salt Lake City, Jan. 28, 1869.

Hon. Orson Pratt, Sen., Speaker of the
House of Representatives,

Sir:—I have this day approved, signed and deposited in the office of the Secretary of the Territory a bill entitled "An Act amending section ten of An Act defining the boundaries of counties and locating County seats."

Very Respectfully,
EDWIN HIGGINS, Acting Governor.

Mr. Lyman obtained leave and presented communication of J. S. Giles in relation to defects in statutes of Utah, which was read, and,

On motion of Mr. J. F. Smith, the communication was referred to the committee on judiciary.

On motion of Mr. Rowberry, the committee on revenue were instructed to enquire the reasons why several of the county courts had failed to make their annual financial report to the Legislative Assembly as provided by law, and report at an early day.

Mr. Rockwood, chairman of committee on municipal corporations, to whom was referred petition of Cyrus Bates and others, citizens of Grantsville City, asking for an extension of city boundary, with accompanying bill, reported the same back and recommended the passage of the bill.

Said bill, H. F. No. 10, "An Act to amend an act to incorporate the city of Grantsville," approved Jan. 12, 1867, was read the second time, and,

On motion of Mr. Reese, said bill was read the third time by its title.

The title was read, approved, and the bill so passed.

Minutes called for, read and accepted.

On motion of Mr. Midgley, House adjourned till 10 a.m. to-morrow:

Benediction by the Chaplain.

———:o:———

SATURDAY, JANUARY 30, 1869.

———o———

COUNCIL.

COUNCIL CHAMBER, City Hall,
Salt Lake City, Jan. 30, 1869, 10 a.m.

Council met pursuant to adjournment.

Roll called. Quorum present.

Prayer by the Chaplain.

C. F. No. 3, "An Act to amend an act entitled an act prescribing the manner of assessing and collecting Terrritorial and County taxes, and for other purposes," approved Jan. 20, 1865, was read as amended by the House, and,

On motion of Councilor Smoot, the amendment was concurred in, and,

On motion of Councilor Harrington, the bill was further amended, and sent to the House for their concurrence in the amendment.

House memorial to Congress was read, and,

On motion of Councilor L. Snow, was not concurred in.

The following communication was received and read:

House of Representatives,
Salt Lake City, Jan. 30, 1869

Hon. Geo. A. Smith, President, and
Members of the Council:

Gentlemen:—The enclosed communication of Hon. E. D. Hoge, Associate Justice, has been referred to the committee on revision, and is respectfully returned to your Honorable body with thanks.

Very respectfully,
ORSON PRATT, Sen., Speaker.

Minutes called for, read and accepted.

On motion of Councilor L. Snow, Council adjourned till ten a.m. Monday.

Benediction by the Chaplain.

HOUSE.

REPRESENTATIVES' HALL, City Hall,
Salt Lake City, Jan 30, 1869.

House met pursuant to adjournment.
Roll called. Quorum present.
Prayer by the Chaplain.

The following message was received and read:

Council Chamber, Salt Lake City,
Jan. 29, 1869.

Hon. Orson Pratt, Sen., Speaker and Members
of the House of Representatives:

Gentlemen: The accompanying communication from Hon. E. D. Hoge, Associate Justice, having been read to the Council, is now respectfully forwarded to your Honorable Body for your consideration.

Very respectfully,
GEO. A. SMITH, President of the Council.

Said communication was read, and,
On motion of Mr. Lyman, the communication was referred to the committee on revision.

The following message was received and read:

Council Chamber, Jan. 29, 1869.

Hon. Orson Pratt, Sen., Speaker and Members
of the House of Representatives:

Gentlemen:—The Council has passed C. F. No. 5, "An Act to provide for Mechanics and Laborer's lien," which is respectfully forwarded to your Honorable Body for your action.

Very respectfully,
GEO. A. SMITH, President of the Council.

Said bill, C. F. No. 5, "An Act to provide for mechanics and laborer's lien," was read the first time, and,
On motion of Mr. Cluff, said bill was referred to the committee on judiciary.

The following message was received and read:

Council Chamber, Jan. 29, 1869.

Hon. Orson Pratt, Sen., Speaker, and Members
of the House of Representatives:

Gentlemen: The Council has passed the accompanying bill, C. F. No. 6, "An Act providing for interest of money," which is now respectfully forwarded for the action of your Honorable Body.

Very respectfully,
GEO. A. SMITH, President of the Council.

Said bill, C. F. No. 6, "An Act providing for interest of money," was read the first time, and,
On motion of Mr. Lyman, was read the second time, pending which,

On motion of Mr. Rich, said bill was referred to the committe on revenue.

Minutes called for, read and accepted.

On motion of Mr. Thurber, House adjourned till ten a.m. Monday, Feb. 1st.

Benediction by the Chaplain.

MONDAY, FEBRUARY 1, 1869.

COUNCIL.

COUNCIL CHAMBER, City Hall,
Salt Lake City, Feb. 1, 1869.

Council met pursuant to adjournment.

Roll called. Quorum present.

Prayer by the Chaplain.

Councilor Smoot, chairman of the committee on municipal corporations, to whom was referred petition of Culbert King and others, asking for a charter for Kanosh city, reported adversely, and,

On motion of Councilor Haight, the report was accepted, and the committee discharged from further consideration of the subject.

Councilor Smoot, chairman of the committee on municipal corporations, to whom was referred petition of Evan M. Greene and others, asking for an extension of the boundaries of Smithfield, Cache county, reported adversely to the same, and,

On motion of Councilor L. Snow, the report was accepted, and the committee discharged from the further consideration of the subject.

Councilor Smoot, chairman of the committee on municipal corporations, etc., to whom was referred H. F. No. 12, "An Act to amend an act entitled an act to incorporate the city of Grantsville," approved Jan. 12, 1867, reported the same back amended, and,

On motion of Councilor Harrington, the report was accepted, and the bill passed as amended, and the House notified accordingly.

Councilor Smoot, chairman of the committee on municipal corporations, etc., to whom was referred C. F. No. 7, reported the same back amended, and recommended its passage as amended.

The bill was read as amended, and pending the reading the Council took a recess till 2 p. m.

Councilor L. Snow presented C. F. No. 11, "An Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relative thereto."

On motion of Councilor Harrington, the bill was laid on the table to come up in its order.

TWO P. M.

Council resumed its session.

C. F. No. 11, "An Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relative thereto," was taken up on its first reading, and,

On motion of Councilor L. Snow, passed its first reading, and one hundred copies ordered printed for the benefit of both houses.

Minutes called for, read and accepted.

On motion of Councilor Johnson Council adjourned till to-morrow 10 o'clock a.m.

Benediction by the Chaplain.

HOUSE.

REPRESENTATIVES' HALL, City Hall,
Salt Lake City, Feb. 1, 1869.

House met pursuant to adjournment.

Roll called. Quorum present.

Prayer by Mr. Farr.

The following message was received and read:

Council Chamber, Jan. 30, 1869.

Hon. Orson Pratt, Sen., Speaker, and Members
of the House of Representatives:

Gentlemen.—The Council concurs in your amendment of C. F. No. 3, "An Act to amend an act entitled an act prescribing the manner of assessing and collecting territorial and county taxes, and for other purposes," approved Jan. 20, 1865, and have further amended the bill, which is respectfully forwarded to your Honorable body for your concurrence in the amendment. The Council does not concur in your memorial to Congress.

Very respectfully,
GEO. A. SMITH, President of the Council.

Said bill, C. F. No. 3, "An Act to amend an act entitled an act prescribing the manner of assessing and collecting territorial and county taxes and for other purposes," was read as amended. Mr. Young asked, and obtained leave, to bring in an additional section to said bill.

Mr. Rockwood, presented the following report:

Committee Room, City Hall, Feb. 1, 1869.

Mr. Speaker and Members of the House:

Gentlemen:—Your committee on roads, bridges, ferries and kanyons, to whom was referred the petition of Wm. P. Sargent and 31 others, praying for an appropriation to improve the road in Washington County, have attended to the duties assigned us, and report that we have inquired into the financial condition of the county and by report spread on the minutes of the House, Jan. 18, we find that the Treasury is not only solvent, but has a respectful sum in its vault, which we presume will, in proper time, be applied on public improvements. We also find by the report spread on the council

minutes of Jan. 29, that by the report of Hon. E. Snow, several thousand dollars have been expended in excess of the Territorial appropriations, and that an appropriation is asked to cancel the amount thus expended. Under these circumstances we deem it inexpedient to grant the prayer of the petitioners.

A. P. ROCKWOOD, Chairman.

On motion of Mr. Hatch, the report was received and the committee discharged from the further consideration of the subject.

Mr. Farr presented the following report:

Committee Room, Feb. 1, 1869.

Hon. Speaker and Members of the
House of Representatives:

Gentlemen:—Your committee on judiciary, to whom was referred H. F. No. 11, a bill for "An Act to limit the time within which civil actions may be sustained in the courts of the Territory of Utah," have had said bill under consideration and respectfully ask leave to return the same and report unfavorably to its passage.

Very respectfully,

LORIN FARR, Chairman.

On motion of Mr. John Taylor, the report was received and the committee discharged from the further consideration of the subject.

Mr. Rowberry moved that the committee on elections be instructed to ascertain what officers, if any, are to be elected by the joint vote of the Assembly, and report the same at an early day to the House.

Seconded and carried.

Mr. Young presented Territorial Road Commissioner's bill for services and incidentals,

Which was read, and,

On motion of Mr. Rowberry, was referred to the committee on claims and appropriations.

The following message was received and read:

Council Chamber, Feb. 1, 1869.

Hon. Orson Pratt, Sen., Speaker, and
Members of the House of Representatives:

Gentlemen:—The Council concurs in H. F. No. 12, "An Act to amend an act entitled an act to incorporate the city of Grantsville," approved Jan 12, 1867, by amending section one so far as relates to boundaries.

Very respectfully,

GEO. A. SMITH, President of the Council.

Said bill, H. F. No. 12, "An Act to amend an act entitled an act to incorporate the city of Grantsville," approved Jan. 12, 1867, was read as amended, and,

On motion of Mr. Rowberry, the House concurred in the Council amendment.

On motion of Mr. Maughan, one hundred copies each of the Governor's Message, the Territorial Treasurer's and Auditor's reports were ordered printed for distribution by the Auditor of Public Accounts, among the States and Territories.

Minutes called for, read and accepted.

On motion of Mr. Rowberry, the House adjourned till to-morrow at 10 a.m.

Benediction by Mr. Cluff.

TUESDAY, FEBRUARY, 2, 1869.

COUNCIL.

COUNCIL CHAMBER, City Hall,
Salt Lake City, Feb. 2, 1869, 10 a.m.

Council met pursuant to adjournment.
Roll called. Quorum present.
Prayer by the Chaplain.

The reading of C. F. No. 7, "An Act prescribing rules and regulations for the execution of the trust arising under an act of Congress, entitled "An Act for the relief of the idhab.tants of cities and towns upon the public lands," approved March 2d, 1867, was resumed, and pending the reading.

On motion of Council Woodruff, Council took recess till 2 p.m.

TWO P. M.

Council resumed its session.

The following communication was received and read:

Representatives' Hall, S. L. City, Feb. 2, 1869.

Hon. Geo. A. Smith, President, and Members of the Council:

Gentlemen:—The House have passed the accompanying bill, H. F. Fo. No. 5, entitled, "An act incorporating the Grantsville City Library Association," and respectfully forward the same for your action.

Very respectfully,
ORSON PRATT, Sen., Speaker.

The above named bill, H. F. No. 5 was laid on the table to come up in its order.

The reading of C. F. No. 7 was resumed, pending which, the following communication was received and read:

REPRESENTATIVES' HALL, City Hall,
Salt Lake City, Feb. 2, 1869.

Gentlemen:—The accompanying bill, H. F. No. 14, entitled "An Act to amend an ordinance incorporating the University of the State of Deseret, approved Feb. 28th, 1850," has passed the House and is respectfully forwarded for your action.

Very respectfully,
ORSON PRATT, Sen., Speaker.

The above named bill, H. F. No. 14, was laid on the table to come up in its order.

Pending the reading of C. F. No. 7, the minutes were called for, read and accepted.

On motion of Councilor Callister, Council adjourned till ten a. m. to-morrow.

Benediction by the Chaplain.

HOUSE.

REPRESENTATIVES' HALL, City Hall,
Salt Lake City, Feb. 2, 1869.

House met pursuant to adjournment.
Roll called. Quorum present.
Prayer by Mr. Murdock.

Mr. Wright, chairman of committee on private incorporations, to whom was referred "An Act entitled an act to incorporate the Grantsville City library association," reported back said bill without amendments and recommended its passage.

On motion of Mr. Murdock, the report was received and the committee discharged from the further consideration of the subject.

Said bill, H. F. No. 5, "An Act incorporating the Grantsville library association," was read the second time, and,

On motion of Mr. John Taylor, said bill read the third time by its title.

The title was read, approved, and the bill so passed.

Mr. Farr presented the following report:

Committee Room, Feb. 1, 1869.

Mr. Speaker and Members of the House:

Gentlemen:—Your committee on judiciary, to whom was referred C. F. No. 5, a bill for "An Act to provide for mechanics and laborer's lien," have amended said bill by inserting the words in section two, fifth line, "and where located." Section five, first line, by striking out the words "by publication or" Section nine, by striking out the words in second and third lines, "upon the request of any person interested or upon the payment or tender of the costs of entering satisfaction." Fourth line, add the word "pay." Fifth line, striking out the words "forfeit fifty dollars," and would respectfully ask leave to report said bill back and recommend its passage as amended.

Very respectfully,

LORIN FARR, Chairman.

On motion of Mr. Rowberry, said bill, C. F. No. 5, "An Act to provide for mechanics and laborer's lien," was laid on the table to come up in its order.

Mr. Rockwood presented the following report:

Committee Room, Feb. 1, 1869.

To the Hon. Speaker and Members of the
House of Representatives:

Gentlemen:—Your committee on roads, bridges, etc., to whom was referred the report of the Territorial Road Commissioner, have attended to the duties assigned us, and recommend that the committee on claims and appropriations be instructed to incorporate in the appropriation bill the sum of eight hundred and seventy-six ($876) dollars, to defray the expenses incurred for repairs on the bridge between Juab and Millard counties, on the Sevier river, also that the sum of five thousand ($5,000) dollars, be incorporated in the appropriation bill, to be expended on the State road in Salt Lake county running south, also that the sum of three thousand

four hundred and seventy-five dollars and forty cents ($3,475 40) be incorporated in the appropriation bill, to defray the expenses already incurred in repairing on the Weber river bridge in Weber county. By referring to the statute of the Seventeenth Annual session, page 48, we find that it is provided that seven thousand ($7000 dollars be appropriated to assist in building a bridge across the Provo river, on condition that Utah County complete the bridge; we, your committee, therefore suggest that the Territorial Road Commissioner call on the County Court of Utah County for the amount required to finish said bridge.

Respectfully yours,

A. P. ROCKWOOD, Chairman.

On motion of Mr. John Taylor, the report was accepted and the committee on claims and appropriations instructed accordingly; and in relation to that portion referring to the additional expense on the Provo bridge, that the Territorial Road Commissioner be applied to by the committee on roads, bridges, etc., to ascertain if he has made application to the county court of Utah County, and learned whether they would comply with the conditions required by the Legislature of last session in its appropriation of seven thousand dollars for said bridge.

Mr. Maughan presented report of the financial condition of Cache county, which was read, and,

On motion of Mr. Wright, the report was ordered spread on the minutes, and referred to the committee on revenue.

FINANCIAL REPORT OF CACHE COUNTY.

To the Honorable the Legislative Assembly
of the Territory of Utah:

Gentlemen:—In accordance with the provisions of "An Act to amend an act creating the office of selectmen and prescribing their duties, also the duties of the county courts," approved Feb. 21, 1868, I have the honor herewith to furnish a copy of the receipts and expenditures of the county of Cache for the years ending Dec. 31st, 1867, and Dec. 31, 1868.

Yours respectfully,

JOHN F. REED, County Clerk.

To county tax as per assessment 1867	$4285 25	
To amount paid by Logan city corporation	33 00	
To amount received by H. W. Isaacson, (over-paid	48 50	
To balance of fines, J. Nelson	126 00	
Dr:to balance	1642 58	
		$6135 33
By balance against county in 1866	977 96	
By ten per cent allowed assessor and collector 1867	428 52	
By taxes remitted for the year 1867	239 07	1635 55
By Elias Edwards lumber	21 98	
By W. S. Godbe on paper account	17 55	
By Bear river bridge commissioners	85 00	
By Lehi Curtis on account of Wellsville kanyon house	300 00	

By county road, Franklin precinct	200 00	
" " Smithfield "	200 00	
" " Wellsville "	300 00	
" " Logan "	1000 00	
By election expenses Feb. 1867	81 00	
By J. G. Chambers, clerking	20 00	
By C. W. Maughan, clerking	6 00	
By Thomas E. Ricks, stationery	22 00	
By surgical instruments for county	12 00	
By office rent to Dec. 1867	100 00	
By James Harrison, services as bailiff	8 50	
By Robert Croft, for making handcuffs for Co.	10 00	
By election expenses, Aug. 1867	84 00	
By balance due Peter Maughan, 1866	114 75	
By Stationery for county	12 00	
By county building	1000 00	
By H. K. Cranney, clerking, June 1867	100 00	
By Wm. Budge, services on county roads	50 00	
By Wm. Hyde, Judge, 1867	200 00	
By John F. Reed, Clerk	75 00	
By Wm. Maughan, selectman	60 00	
By Wm. Budge, selectman 1866-7	80 00	
By P. Cranney, " "	15 00	
By H. K. Cranney, Proseccuting Attorney	50 00	
By Joel Ricks, Treasurer	75 00	
By Alvin Crockett, Sheriff	75 00	
By P. Cranney, deputy sheriff	125 00	4499 78
		$6135 3

NOTE.

Of the above balance of	$1642 58
The Assessor, Thomas E. Ricks, for 1866, owes County	817 61
	$824 96

Actual balance Dec. '67 against county.....

JOHN F. REED, County Clerk.

To county tax as per assessment 1868	$4048 33	
Dr. to balance	637 33	
		$4685 66
By balance against county Dec. 1867	824 96	
By 12½ per cent allowed Assessor and Collector	506 04	
By taxes remitted 1868	110 00	1441 00
By J. H. Martineau for printing survey books	24 00	
By balance due on surgical instruments	4 00	
By county building	841 45	
By Alex. Hill, Wellsville kanyon house	300 00	
By Wm. Cowley, clerking, 1867	3 00	
By H. Bowman, road supervisor	21 62	
By T. E. Ricks, on pauper account	16 00	
By stationery, wood, etc	41 80	
By J. O. Bigelow, fencing county lot	100 00	

By Wm. Budge, school superintendent	75 00	
By county road, Franklin precinct	100 00	
By Wm, Knowles, pauper	155 00	
By T. B. Conway, "	196 32	
By election expenses, Aug. 1868	84 00	
By furniture and painting county building	236 46	
By costs in case of People vs. Joseph Nelson	41 00	
By Wm. Hyde, Judge, 1868	200 00	
By John F. Reed, clerk	150 00	
By Joel Ricks, treasurer	75 00	
By Wm. Maughan, selectman	30 00	
By L. H. Hatch, selectman	45 00	
By C. W. Card, selectman	55 00	
By H. K. Cranney, prosecuting attorney	50 00	
By Alvin Crockett, sheriff	75 00	
By P. Cranney, deputy sheriff	125 00	
By I. J. Clark, services as Indian interpreter	200 00	3244 65
		$4685 66

NOTE.

This sheet shows a balance against county of	$ 637 33
But the Assessor, Thos. E. Ricks, for the year 1866, still owes the county	817 61
So that there is in reality a balance for the county of	$ 180 28

JOHN F. REED, County Clerk.

Mr. Thurber presented the following report:

Committee Room, Feb. 26, 1866.

To the Speaker and Members of the House of Representatives:

Your committee on revenue beg leave to report that they have acted upon the instructions of the House, and ascertained from the Territorial Treasurer that the sum of $520 00 is credited to the school fund, and for incidental expenses the sum of $83 63.

A. K. THURBER, Chairman.

Mr. Farr, chairman of committte on revision, to whom was referred the petition of J. S. Giles reported they had examined the statutes referred to in said petition, and deemed further legislation thereon unnecessary.

On motion of Mr. Rowberry, the report was received and the committee discharged from the further consideration of the subject.

Mr. Rowberry presented H. F. No. 14, "An Act to amend an ordinance incorporating the University of the State of Deseret," which was read the first time, and,

On motion of Mr. Cluff, said bill was referred to the committee on education,

Mr. Thurber moved that a committee from the House, to act in conjunction with a like committee from the Council, be appointed to examine the Auditor's and Treasurer's books and redeemed Auditor's warrants, and if found to be correct, to destroy said warrants. Seconded and carried.

The Speaker appointed Messrs. Thurber, Reese and Wright said committee.

Mr. W. R. Smith presented H. F. No. 15, "An Act pertaining to damage done by animals and for other purposes," which was read the first time, and, ...

On motion of Mr. Lyman, was referred to the committee on agriculture, trade and manufactures, and one hundred copies thereof ordered printed for the use of the Assembly.

Mr. Wright presented report of financial condition of Box Elder county, which was read, and,

On motion of Mr. Rowberry the report was referred to the committee on revenue, and ordered spread on the minutes.

FINANCIAL REPORT OF BOX ELDER COUNTY.

Clerk's Office, Box Elder County,
Utah Territory, Jan. 30, 1869.

TO THE LEGISLATIVE ASSEMBLY OF THE TERRITORY OF UTAH:

Gentlemen:—I herewith forward an account of the receipts and expenditures of Box Elder County for the year ending the first Monday in June, 1868.

Amount received in treasury on tax account to date	$2010 41	
Amount received in treasury for licenses	60 00	
Amount received in treasury on fines	65 00	
Total amount		$2135 41
Orders issued on treasury to Superintendent of Public Works	1796 31	
Orders issued on treasury Assessor and Collector, per annum	100 00	
Orders issued on treasury to Judge per annum	12 00	
" " " " County Clerk per annum	50 00	
Orders issued on treasury to three select men $12 each	36 00	
Orders issued on treasury to treasurer	25 00	
Orders issued on treasury to incidental expenses—county	37 10	
Orders issued on treasury to assessor and collec'r	25 00	
Total amount		$2081 40
Leaving a balance in treasury, June 1, 1868		$ 54 00

Very respectfully,
J. C. WRIGHT, Clerk.

Mr. Rowberry moved, that the committee on claims and appropriations be instructed to incorporate in the Territorial appropriation bill the sum of two thousand five hundred dollars ($2,500) to be expended under the direction of the Territorial Road Commissioner, in repairing the Territorial road running west from Jordan bridge to Black Rock, in Salt Lake County.

On motion of Mr. Wright, the motion of Mr. Rowberry was referred to the committee on roads, bridges, etc.

Minutes read and accepted.

On motion of Mr. Reese, House took a recess till two p.m.

Representatives' Hall, City Hall,
Salt Lake City, Feb. 2, 1869, 2 p.m.

House resumed its session.

Mr. Wm. Clayton presented report of the Auditor of Public Accounts, with accompanying documents, which was read, and,

On motion of Mr. Maughan, three hundred copies of said report were ordered printed in pamhlet form for the use of the Assembly and distribution, and the report referred to the committee on revenue.

Mr. John Taylor presented the following report:

Hon. Orson Pratt, Sen., Speaker, and Members
of the House of Representatives:

Gentlemen:—Your committee on education, to whom was referred an act to amend an ordinance entitled "An ordinance incorporating the University of the State of Deseret, approved Feb. 28, 1850," beg leave toreport that they have considered and amended the same, and respectfully recommend its passage as amended.

JOHN TAYLOR,
Chairman of committee on Education.

Said bill, H. F. No. 14, "An Act to amend an ordinance, entitled an ordinance incorporating the University of the State of Deseret," was read as amended, and,

On motion of Mr. Thurber, said bill was read the second time by sections, and,

On motion of Mr. Cluff, said bill was read the third time by its title.

The title was read, approved, and the bill so passed.

Mr. West appeared and was duly qualified by the Speaker.

Mr. Cluff presented petition of A. E. Hinkley and 170 others, citizens of Summit county, asking the removal of the county seat from Wanship to Coalville, which was read, and,

On motion of Mr. Rich, said petition was referred to the committee on counties.

Mr. Cluff presented remonstrance of Henry W. Brizzee and 140 others, citizens of Summit county, praying the Legislative Assembly to reject the petition of A. E. Hinkley and others, asking the removal of the county seat of Summit county, which remonstrance was read, and,

On motion of Mr. Maughan, was referred to the committee on counties.

Business in order taken up.

H. F. No. 13, "An Act defining the duties of poundkeepers and for other purposes," was read the second time by sections and amended, pending which,

Minutes called for, read and accepted.

On motion of Mr. Reese, House adjourned till ten a.m. to-morrow.

Benediction by Mr. Wright.

WEDNESDAY, FEBRUARY 3, 1869.

COUNCIL.

COUNCIL CHAMBER, City Hall,
Salt Lake City, Feb. 3, 1869.

Council met pursuant to adjournment.
Roll called. Quorum present.
Prayer by the Chaplain.

Councilor E. Snow, chairman of the committee on education, to whom was referred C. F. No. 8, "An Act for the incorporation of benevolent, charitable, scientific or literary institutions," reported the bill back with slight amendments in phraseology, and recommended its passage as amended.

The bill was laid on the table to come up in its order.

H. F. No. 14, "An Act to amend an ordinace entitled an ordinance incorporating University of the State of Deseret," was taken up on its first reading, and,

On motion of Councilor Smoot, was referred to the committee on education.

H. F. No. 5, "An Act incorporating the Grantsville City library association," was read the first time, and,

On motion of Councilor Harrington, was referred to the committee on private incorporations.

Councilor E. Snow presented the following report:

Mr. President and Members of the Council:

Gentlemen:—Your committee, to whom has been referred petition of citizens of Washington county, asking for a charter for a toll road from Kannara and Bennington, also an appropriation of eight thousand dollars, respectfully sgguest non-compliance with aforesaid petition so far as respecting chartering a toll road; but in consideration of the probability of aforesaid citizens of Washington doing this season the same as last, expending of their own funds in completing said road, your committee recommend that the sum of $4,551 69 be placed upon the Territorial appropriation bill, to cover the expenses of work done on said road, in excess of the Territorial appropriation of last session.

LORENZO SNOW, Chairman.

which was read, and,

On motion of Councilor Smoot, the report was accepted and the committee on claims and appropriation instructed to incorporate the amount named therein in the Territorial appropriation bill, and the committee was discharged from the further consideration of the subject.

Council took a recess till two o'clock p.m.

TWO P. M.

Council resumed its session.

C. F. No. 8, "An Act for the incorporation of benevolent, chari-

table, scientific or literaryinstitutions," was taken up on its second reading, and,

On motion of Councilor L. Snow, one hundred copies were ordered printed for the use of the Assembly.

Councilor E. Snow, chairman of the committe on education, to whom was referred H. F. No. 14, "An Act to amend an ordinance entitled an ordinance incorporating the University of the State of Deseret, approved Feb. 28, 1850," reported the same back amended and recommended its passage as amended; the bill was read, and,

On motion of Councilor Callister, the report was accepted and the bill laid on the table.

The following was received from the House:

Representatives' Hall, Salt Lake City,
February 3, 1869.

Hon. George A. Smith,
President of the Council, etc.:

Gentlemen:—The accompanying bill, entitled "An Act changing the county seat of Summit county," has passed the House, and is respectfully forwarded for your action.

JOHN TAYLOR, Speaker pro. tem.

H. F. No. 16, "An Act changing the county seat of Summit county," was read, and,

On motion of Councilor E. Snow, was referred to the committee on counties.

Councilor Harrington presented memorial to Congress for an appropriation for a recovery of the public lands in Utah, which was read, and,

On motion of Councilor Woodruff, was adopted and sent to the House for concurrence.

The following was received from the House:

Representatives' Hall, Feb. 3, 1869.

Hon. George A. Smith, President of the Council:

Gentlemen:—The accompanying bill, "An Act defining the duties of Poundkeepers and for other purposes," has passed the House and is herewith respectfully forwarded for the action of your Honorable Body.

Very respectfully,
ORSON PRATT, Sen., Speaker.

H. F. No. 13, "An Act defining the duies of Poundkeepers and for other purposes," was read, and,

On motion of Councilor L. Snow, was referred to the committee on agriculture, trade and manuactures.

Minutes called for, read and acepted.

On motion of Councilor Smoot, the Council adjourned till tomorrow at ten a.m.

Benediction by the Chaplain.

HOUSE.

REPRESENTATIVES' HALL, City Hall,
Salt Lake City, Feb. 3, 1868.

House met pursuant to adjournment.
Roll called. Quorum present.
Prayer by the Chaplain.

Mr. Rockwood presented petition of Edward Hunter, Esq., relative to appropriation to cancel indebtedness on the Salt Lake City and Wanship wagon road, which was read, and,

On motion of Mr. Wright, was referred to committee on roads, bridges, etc.

On motion of Mr. Wm. R. Smith, the committee on roads, bridges, etc., were instructed to examine the statutes and financial reports of the several counties, with a view to ascertain if the parties having grants for toll bridges or ferries have complied with the provisions of the grants, and report at an early day.

Mr. Pace, chairman of the committee on counties, to whom was referred the petition of A. E. Hinkley and 170 others, praying for the county seat of Summit county to be removed from Wanship to Coalville, also the remonstrance of H. W. Brizzee and others, reported that they had considered said petition and remonstrance, and begged leave to introduce a bill for "An Act changing the county seat of Summit county."

Said bill, H. F. No. 16, "An Act changing the county seat of Summit," was read the first time, and,

On motion of Mr. Cluff, was read the second time, and,

On motion of Mr. J. F. Smith, was read the third time.

The title was read and approved, and the bill so passed.

Mr. John Taylor presented petition of Thaddeus E. Fleming, deputy sheriff of Utah county, asking for an appropriation to defray expenses in guarding and executing C. E. Otoway, alias Chauncey Millard, which was read, and,

On motion of Mr. Rowberry, was referred to the committee on claims and appropriations.

M. W. G. Smith presented the following:

FINANCIAL REPORT OF MORGAN COUNTY.

County Clerk's Office, Morgan City,
Morgan County, U. T., Jan. 25, 1868.

To the Hon. the Legislative Assembly
of the Territory of Utah:

The following report of the financial condition of Morgan county for the year ending Dec. 28th, 1867, is a true copy of the original on file in my office.

Your obd't. servant,
THOS. R. G. WELSH, Co. Clerk.

To amount tax as per assessment roll, 1867 $934 63½

Less per centage	140 19½	
		$794 44
Balance in the treasury December 3d, 1866		62 50
Paid into the treasury by assessor and collector on taxes collected for the year 1864		8 44
" " " 1865		65 13
" " " 1866		233 58
" " " 1867		244 86
Paid into the treasury on licenses		99 00
		$713 50
To stationery	15 00	
To Judge, selectman and clerk	113 00	
To election expenses	39 00	
To amount appropriated and exp'd on bridges	550 00	
" " Justice Peace and constable	10 00	
		$726 00
Amount due to individuals	12 00	

THOS. R. G. WELSH, Co. Clerk.

On motion of Mr. Rockwood, Morgan county financial report was referred to the committee on revenue.

H. F. No. 13, "An Act defining the duties of poundkeepers and for other purposes," pending the consideration of which, the House adjourned, was taken up on its second reading.

House took a recess till 2 p.m.

TWO P. M.

House resumed its session.

H. F. No. 13, "An Act defining the duties of poundkeepers, and for other purposes," pending the consideration of which the House took a recess, was taken up and amended, and,

On motion of Mr. Rich, said bill was read the third time by its title.

The title was read, approved, and the bill so passed and sent to the House for concurrence.

The following was received and read:

Executive Office, Utah,
Salt Lake City, Feb. 3, 1866.

Hon. Orson Pratt, Speaker of the House:

Sir:—I have this day approved, signed and deposited in the office of the Secretary of the Territory a bill entitled "An Act pertaining to sheep," also "An Act to amend an act entitled an act to incorporate the city of Grantsville."

Very Respectfully,
EDWIN HIGGINS, Acting Governor

On motion of Mr. Rich, the special committee on the subject of estrays was appointed to take into consideration the propriety of bringing in a bill in relation to stock drives.

On motion of Mr. Rich, H. F. No. 10, "An Act defining the duties of territorial, county and municipal officers having the man-

agement and expenditure of public funds," was taken up on its second reading by sections, and,

On motion of Mr. Farr, said bill was referred to the committee on agriculture, trade and manufactures.

On motion of Mr. Young, a special committee was appointed to bring in a general incorporation act, and report to the House within three days.

The Speaker appointed Messrs. Young, Thurber, Farr and Wright said special committee.

On motion of Mr. Farr, all bills in the hands of the committees in relation to incorporations of companies, was referred to said special committee.

A communication was received and read from Hon. Z. Snow, deputy attorney, acknowledging the courtesy of the House in extending to him its freedom.

On motion of Mr. Reese, C. F. No. 6, "An Act to provide for mechanics' and laborers' lien," was taken up on its second reading, and,

On motion of Mr. Reese, said bill was not concurred in.

Mr. Hatch moved that the committee on claims and appropriations be instructed to incorporate in the Territorial appropriation bill the sum of five hundred dollars, to be expended on the road leading from Heber city north, to intersect the Wasatch wagon road at Kimball's hotel, in Summit county, to be expended under the direction of the county court of Wasatch county.

On motion of Rowberry, the motion of Mr. Hatch was referred to the committee on roads, bridges, etc.

Minutes called for, read and accepted.

On motion of Mr. W. R. Smith, House adjourned till ten a.m. tomorrow.

Benediction by the Chaplain.

:o:

THURSDAY, FEBRUARY 4, 1869.

:o:

COUNCIL.

COUNCIL CHAMBER, Salt Lake City,
Feb. 4, 1869, 10 a.m.

Council met pursuant to adjournment.

Roll called. Quorum present.

Prayer by the Chaplain.

Councilor Haight, of the committee on counties, to whom was referred H. F. No. 16, "An Act changing the county seat of Summit county," reported the bill back and recommended its passage.

The bill was read, and,

On motion of Councilor Hyde, the report was accepted and the bill concurred in, and the House notified accordingly.

C. F. No. 7, "An Act prescribing rules and regulations for the execution of the duties arising under an act of Congress, entitled an act for the relief of the inhabitants of cities and towns upon the

public lands," approved March 2d, 1867, was read the third time by its title, and so passed, and sent to the House for concurrence.

Councilor A. O. Smoot presented C. F. No. 12, a bill for "An Act to amend an act regulating the mode of procedure in criminal cases approved Jan. 21, 1853," which was read, and,

On motion of Councilor Woodruff, was referred to the committee on judiciary.

Councilor E. Snow presented communication from F. B. Woolley, Esq., in relation to amendment of the criminal code, which was read, and,

On motion of Councilor E. Snow, was referred to the committee on judiciary.

Councilor Harrington moved that a committee be appointed on the part of the Council, to act with a like committee of the House, to examine the Territorial, Auditor and Treasurer's accounts, and redeemed Auditor's warrants, and if found to be correct, to cause said warrants to be destroyed. The President appointed Councilor Harrington said committee.

Council took a recess till two o'clock p.m.

TWO P. M.

Council resumed its session.

Councilor Hyde, chairman of the committee on revenue, to whom was referred the petition of Wm. Morrison, Assessor and Collector of Sanpete County, reported C. F. No. 13, a bill for "An Act for the relief of William Morrison," which was read, and,

On motion of Councilor Smoot, the bill and petition were referred to the committee on claims and appropriations, with instructions to incorporate the amount prayed for in said petition in the Territorial appropriation bill.

Minutes called for, read and accepted.

On motion of Councilor L. Snow, Council adjourned till ten a.m. to-morrow.

Benediction by the Chaplain.

HOUSE.

REPRESENTATIVES' HALL, City Hall,
Salt Lake City, Feb. 4, 1869.

House met pursuant to adjournment.

Roll called. Quorum present.

Prayer by the Chaplain.

Mr. Rockwood presented the following:

Committee Room, Feb. 4. 1869.

To the Honorable Speaker and
Members of the House of Representatives:

Gentlemen:—Your committee on roads, bridges, etc., to whom was referred the report of the Superintendent of the Salt Lake City and Wanship wagon road, have examined the books and papers thereunto pertaining, and find that said report corresponds

with the accounts kept and presented for our inspection. We find that said Superintendent was qualified on the 26th of March, 1868, and has been in constant service until Jan. 1, 1869, with the exception of thirteen days, a fraction less than nine months' work, for which we recommend he be allowed one hundred dollars per month, payable as provided for in the accompanying bill. Your committee are well satisfied with the management of the road, and recommend said report to be spread on the minutes.

By reference to "An Act entitled an act amendatory of and supplementary to an act entitled an act establishing a Territorial road from Great Salt Lake City to Wanship, Summit county, approved Jan. 19, 1866," we find that section six provides that the Territorial Road Commissioner is required to pass over to the Superintendent all books and accounts. The Superintendent reports to your committee that no books or accounts have been passed over to him, hence no collections as contemplated in section five of said act.

We have also considered the petition of Edward Hunter, Esq., in behalf of the Perpetual Emigration Fund Company, and find by reference to the Superintendent's report, that the sum of $1866 00, as set forth in the petition, is charged to said company, and recommend that the Superintendent be directed to cancel said amount as provided for in the second section of the accompanying bill. We recommend the passage of the accompanying bill.

A. P. ROCKWOOD, Chairman.

On motion of Mr. Rowberry, the report was received, and the report of the Superintendent of the Salt Lake City and Wanship wagon road was ordered spread on the minutes, and said bill, "An Act to further define the duties of the Superintendent of the Salt Lake City and Wanship wagon road," was read the first time.

REPORT OF SUPT. OF S. L. CITY AND WANSHIP WAGON ROAD

Salt Lake City, Jan. 14, 1869.

To the Honorable Council and House of
Representatives of the Territory of Utah:

Gentlemen:—In accordance with the law providing for an annual report from the Superintendent of the Salt Lake City and Wanship wagon road, I beg leave to submit the following:

Amount of toll collected from April 1st, 1868, until Jan. 1, 1869	$13006 70
Received from sale of two horses	200 00
From sale of one spade	4 00
Due the road from the P. E. Fund	1866 00
Due from Jos. A. Young	224 34
Due from John Snowball	94 48
Due from sundry persons	123 00
Due from U. S. Government	270 00
Amount of toll collected and uncollected	15788 50

DISBURSEMENTS.

Paid to hands	4079 69
Paid to Warden of Penitentiary for labor of convicts	604 00
Paid for [illegible] work	1977 00
Paid for boarding hands	1268 92

Tools, fixtures, lumber for bridgee, printing and stationery	1288 15
Drawn by the Supt. as provided by law	500 00
Total amount expended	9711 76
Bills receivable as above	2577 82
Cash in hand	3498 94
	$15788 52

Received of the Territorial Road Commissioner in tools, fixtures, etc.	627 50
Tools, fixtures, etc., now on hand	636 50
Bills receivable as above	2577 82
Cash as above	3498 94
Total amount of tools, fixtures, bills receivable and cash now on hand	$6713 20
Due the Warden of the Penitentiary	222 00
Leaving in the Superintendent's possession after all debts are paid	6491 26

I have worked since the 11th of last March 1868, until the 1st of Jan. 1869, less thirteen days.

The above completes my report with the exception of informing your Honorable body of the fact of my having several times during the season passed beyond the limits of the law. I have paid $104 10 to different persons who held due bills against the road to the amount which had been issued the previous year, also on one occasion did I on petition of Judge and grand jury of Summit Co., consent to open the gate on the eastern section of the road on account of its impassable condition. At one time the road became very slippery, causing considerable damage; and, in one or two instances, where I had known the parties to have suffered severely from the above named cause, I took the liberty of letting them pass for less than the law provides. Without further comment thereon, I will close by respectfully asking your Honorable body to legalize the above named acts.

I am yours, etc., very respectfully,

LE GRAND YOUNG, Supt.

The following message was received and read:

Council Chamber, Feb. 4, 1869.

Mr. Speaker and Members of the House:

Gentlemen:—The accompanying memorial to Congress, having been adopted by the Council, is now respectfully forwarded to your Honorable body for action.

Very respectfully,

GEO. A. SMITH, President of the Council.

Mr. Rich presented the following report:

Committee Room, Feb. 3, 1869.

To the Hon. Speaker and Members of the House of Representatives:

Gentlemen:—Your committee on claims and appropriations, to whom was referred communication of Z. Snow, asking for an appropriation for services as deputy attorney General, and incidental expenses, have considered the subject and recommend the sum of

$500 to be inserted in the Territorial appropriation bill for that purpose; also the sum of $145 to Jesse W. Fox for services for surveying Territorial road in Utah, Salt Lake and Weber counties, and making plats of Salt Lake City, the northern portion of Salt Lake Co. and the southern portion of Davis county for the use of Delegate W. H. Hooper.

Very respectfully,

C. C. RICH,

Chairman Com. on Claims and App.

On motion of Mr. John Taylor, the report was received, and the committee on claims and appropriations instructed to insert said amounts in the general appropriation bill.

Mr. Seely presented petition of George Peacock and 410 others, citizens of Sanpete county, praying for an appropriation for road purposes, which was read, and,

On motion of Mr. Evans, was referred to the committee on roads, bridges, etc.

Mr. Reese, chairman of committee on agriculture, trade and manufactures, to whom was referred H. F. No. 10, "An Act defining the duties of Territorial, county and municipal officers having the management and expenditures of public funds," reported said bill with amendments, and recommended its passage.

Mr. Lyman moved, that the committee on claims and appropriations be instructed to incorporate in the Territorial appropriation bill the sum of five hundred dollars, to be expended on the road between the mouth of Baker's kanyon, and the summit of Cove Creek hill, in Millard county, to be expended under the direction of the Territorial Road Commissioner.

On motion of Mr. Rowberry, the motion of Mr. Lyman, was referred to the committee on roads, bridges, etc.

The following message was received and read:

Council Chamber, Feb. 1, 1869.

Hon. Orson Pratt, Sen., Speaker of the
House of Representatives:

Sir:—The accompanying bill, C. F. No. 7, "An Act prescribing rules and regulations for the execution of the trust arising under an act of Congress, entitled an act for the relief of the inhabitants of cities and towns upon the public lands," approved March 2d, 1867, has passed the Council and is respectfully forwarded for the action of your Honorable Body. The Council concurs in H. F. No. 16, "An Act changing the county seat of Summit county," which is herewith returned for engrossing.

Very respectfully,

GEO. A. SMITH, President of the Council.

Mr. Rich presented the following report:

Committee Room, Feb. 3, 1869.

Mr. Speaker, and Gentlemen of the
House of Representatives:

Gentlemen:—Your committee on claims and appropriations, to whom was referred petition of Thaddeus E. Flemming, Deputy Sheriff, Utah county, praying for an appropriation to defray expenses incurred in the execution of C. E. Otaway, alias Chancey Millard, have examined the subject, and beg leave to report, that

provisions are made in the statutes of Utah authorizing the county courts to defray such expenses. Your committee would therefore report adversely to granting said petitioners prayer, and ask to be discharged from the further consideration of the subject.

Very respectfully,

C. C. RICH,

Chairman of committee on Claims and Appropriations.

On motion of Mr. Rowberry, the report was accepted and the committee discharged from the further consideration of the subject.

Business in order taken up.

Memorial to Congress praying for the appropriation of money to aid in a re-survey of the public lands in the Territory of Utah, was read, and,

On motion of Mr. Rowberry, said memorial was referred to the committee on petitions and memorials.

Minutes called for, read and accepted.

On motion of Mr. Reese, House took a recess till two p.m.

TWO P. M.

House resumed its sitting.

Roll called. Quorum present.

Mr. Snow presented H. F. No. 18, "An Act supplementary to the act entitled an act regulating the mode of procedure in civil cases," which was read the first time, and,

On motion of Mr. Reese, said bill was referred to the committee on judiciary.

Mr. Snow presented H. F. No. 19, "An Act supplementary to an act entitled an act regulating the manufacture, sale or other disposal of intoxicating liquors, approved Jan. 20, 1860," which was read the first time, and,

On motion of Mr. John Taylor, was referred to the committee on judiciary.

Business in order called for, when, "An Act further defining the duties of the Superintendent of the Salt Lake City and Wanship Wagon Road," was taken up on its second reading by sections, and,

On motion of Mr. Reese, said bill was referred back to the committee on roads, bridges, etc., with instructions to bring in a bill to change section five of "An Act amendatory and supplementary to an act antitled an act establishing a Territorial road from Salt Lake City to Wanship, Summit County, approved Feb. 21, 1868," so as to require the Superintendent to pay to the Territorial Treasurer all surplus means in his hands annually, and also to extend said road over the Weber River.

Mr. Rich, chairman of committee on claims and appropriations, presented the following:

Hon. Orson Pratt, Sen., Speaker, and

Members of the House of Reps:

Gentlemen:—Your committee on claims and appropriations, to whom was referred the claim of Theodore McKean, Territorial Road Commissioner, for services for the year 1868, and incidental expenses, would respectfully recommend that the sum of $520 20 be placed on the appropriation bill for that purpose.

Very Respectfully,

CHARLES C. RICH, Chairman.

On motion of Mr. Hatch, the report was accepted, and the com-

mittee on claims and appropriations instructed to insert said amount in the Territorial appropriation bill.

Mr. Thurber presented the following report:

Committee Room, Feb. 4.

To the Members of the Council and
House of Representatives of the Territory of Utah,

Gentlemen:—Your committee on revenue beg leave to report that they have considered C. F. No. 6, "An Act providing for interest on money," and respectfully ask leave to present the accompanying substitute bill, and recommend its passage.

A. K. THURBER, Chairman.

Said substitute bill, entitled "An Act in relation to interest on money,,' was read the first time, and,

On motion of Mr. John Taylor, one hundred copies thereof were ordered printed for the use of the Assembly.

H. F. No. 10, "An Act defining the duties of Territorial, County and municipal officers, having the management and expenditures of public funds," was taken up on its second reading and amended, and,

On motion of Mr. Lyman, said bill was read the third time by its title.

The title was read and approved, and the bill so passed.

Minutes called for, read and accepted.

On motion of Mr. Pace, House adjourned till 10 a.m. to-morrow.

Benediction by the Chaplain.

———:o:———

FRIDAY, FEBRUARY 5, 1869.

———o———

COUNCIL.

COUNCIL CHAMBER, City Hall,
Salt Lake City, Feb. 5, 1869, 10 o'clock a.m.

Council met pursuant to adjournment.

Roll called. Quorum present.

Prayer by Elder McAllister.

The following communication was received and read:

House of Representatives,
Salt Lake City, Feb. 5, 1869.

Hon. Geo. A. Smith, President, and
Members of the Council:

Gentlemen—The House has passed the accompanying bill: "An Act defining the duties of Territorial, county and municipal officers having the management and expenditure of public funds," which is respectfully forwarded for your action.

ORSON PRATT, Sen., Speaker.

H. F. No. 10, "An Act defining the duties of Territorial, county and municipal officers having the management and expenditure of public funds," was read the first time, and,

On motion of Councilor Woodruff, was taken up on its second reading by sections, and,

On motion of Councilor Harrington, the bill was referred to the committee on agriculture, trade and manufactures.

Minutes called for, read and accepted.

On motion of Councilor Callister, the Council adjourned till Monday at 10 a.m.

Benediction by Councilor Harrington.

HOUSE.

REPRESENTATIVES' HALL, City Hall,
Salt Lake City, Feb. 5, 1869.

House met pursuant to adjournment.

Roll called. Quorum present.

Prayer by the Chaplain.

George W. Dean, Esq., Assistant U. S. Coast Survey, acknowledged by letter the courtesy of the House in extending to him the freedom thereof.

Mr. Rockwood presented the following report:

Committee Room, City Hall, Feb. 4, 1869.

Hon. Orson Pratt, Sen., Speaker, and
Members of the House of Representatives:

Gentlemen:—Your committee on roads, bridges, etc., to whom was referred the petition of George Peacock and 410 others, citizens of Sanpete county, praying for an appropriation to assist in opening a road from the mouth of Spanish Fork Kanyon, in Utah county, to Fairview, in Sanpete county, have taken the matter into consideration, and recommend that the committee on claims and appropriations be instructed to insert in the Territorial appropriation bill the sum of one thousand dollars, to be expended under the direction of W. S. Seely, of Sanpete county, to be drawn on his order, setting forth that the labor has been performed or material furnished.

We have also considered the motion of Mr. Rowberry, asking for an appropriation to be expended on the State road leading west from Salt Lake City, and respectfully recommend that the sum of $1500 be inserted in the Territorial appropriation bill for that purpose.

We have had an interview with Theodore McKean, Esq., Territorial Road Commissioner, in relation to the subject contained in Mr. John Taylor's motion of yesterday, and herewith submit the Commissioner's reply for your consideration.

Your committee further recommend the sum of $646 86 to be inserted in the Territorial appropriation bill, to cancel the amount expended in the year 1868, on the Territorial road running west of Salt Lake City.

Very respectfully,

A. P. ROCKWOOD,
Chairman of Committee on Roads, Bridges, etc.

On motion of Mr. Reese, the report was accepted, and the committee on claims and appropriations instructed to insert in the Territorial appropriation bill said amounts.

The communication of Theodore McKean, Esq., Territorial Road Commissioner, in relation to the additional expense incurred in building the Provo bridge, and recommending the appropriation of four thousand dollars to cancel said indebtedness, was read, and,

On motion of Mr. John Taylor, the committee on claims and appropriations were instructed to insert $4000 in the Territorial appropriation bill for that purpose.

Mr. Lyman presented financial report of Millard county, which was read, and,

On motion of Mr. W. G. Smith, the report was ordered spread on the minutes, and referred to the committee on revenue.

FINANCIAL REPORT OF MILLARD COUNTY,

To the Honorable, the Governor and
Legislative Assembly of Utah Ter:

Gentlemen:—Permit me to submit to you a copy of my financial report of Millard County for the year ending June 1st., 1868.

I have the honor to be, Gentlemen,
Yours, very respectfully,
John Kelly, Co. Clerk.

TAX ACCOUNT.

To amount due June 1st, 1867	$1326 92		
To assessment for 1867	1035 31	$2362 23	
By assessor's and collector's compensation	124 23		
By payments to treasurer	852 59	976 82	
By balance due June 1st, 1868			$1385 41

FINES ACCOUNT.

To amount due June. 1st, 1866	234 50	
By amount paid to treasurer	36 45	
Balance due June 1st, 1868		198 05

ESTRAY POUND ACCT.

To stock impounded	40 00	
By payment to treasurer		40 00

CO. & PROBATE COURTS AC.

To stock paid on forfeiture of bonds by Messrs. Drake and others	2200 00		
To profits on sale of stock	500 00		
To amount received from treasurer	896 64	3596 64	
By paid for herding stock	188 60		
" grand and petit juries	286 80		
" sheriff, constable and assistants	1496 55		
" dieting prisoners, etc	122 98		
" witnesses	47 50		

By paid prosecuting attorney	$ 59 00	
" Justice Peace, Deseret	13 85	
" Probate judge	63 00	
" county and probate clerk	96 28	
" reporter	15 00	
" selectmen	20 00	
" election expenses	34 00	
By paid county desk, seal, stationery etc.	71 00	
By paid treasurer	80 00	
By paid telegraph office	25 00	
By paid on Chalk Creek bridge	472 00	
By paid poor and insane	158 00	3176 71
By balance due		419 93

EXHIBIT OF THE STATE OF THE TREASURY.

To amount on hand June 1st, 1867	$ 39 63	
Received on tax account	852 59	
Received on fines account	36 45	
Received on estray pound account	40 00	968 67
By payment on Probate Co. Court account		896 64
Balance on hand June 1st, 1868		$ 72 03
Total in favor of the County		2075 42

Business in order taken up.

C. F. No. 7, "An Act prescribing rules and regulations for the execution of the trust arising under an act of Congress, entitled an act for the relief of the inhabitants of cities and towns upon the public lands," approved March 2d, 1867, was read the first time, and

On motion of Mr. John Taylor, one hundred copies thereof were ordered printed for the use of the Assembly.

Mr. Murdock presented "An Act providing rules for working mines involving easements, drainage and other necessary developments," was read the first time, and,

On motion of Mr. W. R. Smith, said bill was referred to the committee on mineral resources, and seventy-five copies thereof ordered printed for the use of the Assembly.

Minutes called for, read and accepted.

On motion of Mr. Snow, House adjourned till ten a.m. to-morrow.

Benediction by the Chaplain.

HOUSE.

REPRESENTATIVES' HALL, City Hall,
Salt Lake City, Feb. 6, 1869.

House met pursuant to adjournment.

Roll called. Quorum present.

Prayer by the Chaplain.

Mr. Wright presented a communication from the Auditor of Public Accounts, in relation to stationery and desk for the Auditor's office, which was read, and,

On motion of Mr. Wright, was referred to the committee on claims and appropriations.

Mr. Rockwood, chairman of the committee on roads, bridges, etc., to whom was referred the motion of Mr. Lyman, asking for an appropriation of five hundred dollars to be expended on the road between Baker's Kanyon and the summit of Ove creek hill, in Millard county, recommend that five hundred dollars be inserted in the Territorial appropriation bill, to be expended under the direction of Thomas Callister, Esq., and to be drawn on his order, setting forth that the work has been done or material furnished.

Also that they had considered the motion of Mr Hatch, asking for an appropriation of five hundred dollars, to be expended on the road leading from Heber city north, to intersect the Wasatch road at Kimball's Hotel, in Summit county, recommended said amount to be inserted in the Territorial appropriation bill, to be expended under the direction of the county court of Wanship county, to be drawn on its order, setting forth that the labor has been done or the material furnished.

On motion of Mr. Lyman, the report was received, and the committee on claims and appropriations instructed accordingly.

Said committee also reported that they had taken into consideration that part of Mr. Reese's motion, relating to the extension of the last section of the Salt Lake City and Wanship Wagon Road, running easterly over the Weber River, and reported that an extension as contemplated would require an amendment to "An Act granting to Henry S. Alexander the right to establish a toll bridge or bridges across the Weber River, in Summit County," or some arrangement be made with the proprietor thereof for the value of the present bridges. The committee had had an interview with Mr. Brizzee, the present proprietor, on the subject, and submitted to the House the accompanying proposition of Mr. Brizzee.

On motion of Mr. Reese, the action of the House on this matter was deferred till Wednesday.

Mr. John Taylor, chairman of the committee on petitions and memorials, to whom was referred memorial to Congress praying for a re-survey of the public lands, reported said memorial amended, and recommended its passage.

Said memorial to Congress, praying for a re-survey of the public lands, was read as amended, and adopted.

Mr. Murdock moved that the committee on claims and appropriations be instructed to insert in the Territorial appropriation bill the sum of five hundred dollars, to be expended on the Territorial road leading from Pine creek to Indian creek, in Beaver county.

On motion of Mr. W. G. Smith, said motion was referred to the committee on roads, bridges, etc.

Mr. Reese, chairman of the committee on agriculture, trade and manufactures, reported back H. F. No. 15, "An Act pertaining to damage done by animals," with amendments, and recommended its passage.

On motion of Mr. Lyman, the report was received, and the bill read as amended.

On motion of Mr. Reese, said bill was taken up on its second reading, pending the consideration of the first section of which,

Mr. Young asked and obtained leave to present the following:

COMMITTEE ROOM,
February 6, 1860.

Your special committee who were instructed to draft a general act

poration act, and to whom was referred the following bills from other committees, viz:

"An Act providing for the incorporation of Railroad Companies," "An Act in relation to Corporations and Co-partnerships," and "An Act providing for a general system of Mercantile Co-operative Incorporations," beg leave to report that we have taken the subject into consideration, and respectfully submit the accompanying bill for "An Act for general Incorporations," and recommend its passage.

Very Respectfully,

BRIGHAM YOUNG, JR.,
Chairman Special Committee.

On motion of Mr. Rich, the report was received, and one hundred copies of said "Act for general incorporations" ordered printed for the use of the Assembly.

Minutes called for, read and accepted.

On motion of Mr. Maughan, House adjourned till Monday, 8th inst., 10 a.m.

Benediction by the Chaplain.

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MONDAY, FEBRUARY 8, 1869.

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COUNCIL.

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COUNCIL CHAMBER, City Hall,
Salt Lake City, Feb. 8, 1869.

Council met pursuant to adjournment.

Roll called. Quorum present.

Prayer by Councilor Callister.

The following communication was received and read:

Representatives' Hall, City Hall,
Salt Lake City, Feb. 6, 1869.

Hon. Geo. A. Smith, President and Members of the Council:

Gentlemen:—Your bill, entitled memorial to Congress, has been adopted by the House, with a slight amendment. The memorial is herewith returned.

Very respectfully,

ORSON PRATT, Sen., Speaker.

The memorial was read as amended, and,

On motion of Councilor Haight, was not concurred in.

The following message was received and read:

Representatives' Hall, S. L. City, Feb. 5, 1869.

Hon. Geo. A. Smith, President, and Members of the Council:

Gentleman:—The House have nonconcurred in the passage of C.

F. No. 5, "An Act to provide for mechanics and laborers liens," and the same is respectfully forwarded to your Honorable Body.

ORSON PRATT, Sen., Speaker.

Councilor Harrington presented petition of citizens of Pleasant Grove, praying for an appropriation of six hundred dollars ($600) to assist in making a gravel road through the low lands between said city, and American Fork; which was read, and,

On motion of Councilor Woodruff, was referred to the committee on roads, bridges, ferries and kanyons.

Hon. C. C. Wilson, Chief Justice of Utah Territory, acknowledged by letter the courtesy of the Council in extending to him the freedom thereof.

Councilor Haight stated that he had ascertained that the financial report of Davis county was mailed to the city by the deputy clerk of said county, on Jan. 19, a letter of inquiry had been sent concerning its non-arrival, but neither the report nor the answer to said inquiry had yet come to hand.

Council took recess till 2 p.m.

TWO P. M.

Council resumed its session.

Councilor Haight, of the committee on counties, to whom was referred petition of Joseph W. Young and others, asking for the organization of a new county, reported C. F. No. 14, "An Act providing for the organization of Rio Virgin county, and defining the boundaries thereof," and recommended its passage.

On motion of Councilor Woodruff the report was accepted and the bill laid on the table to come up in its order.

The following communication was received and read:

REPRESENTATIVES' HALL, City Hall,
Salt Lake City, Feb. 8, 1869.

Hon. Geo. A. Smith, President and Members of the Council:

Gentlemen:—The House concur in your amendment to C. F. No. 3, "An Act to amend an act entitled an act prescribing the manner of assessing and collecting Territorial and County taxes, and for other purposes," approved Jan. 20, 1865, and have further amended the same by adding an additional section. Do you concur in the amendment?

Very respectfully,
ORSON PRATT, Sen., Speaker.

Said bill was read as amended, and,

On motion of Councilor Callister, passed its first reading, and was referred to the committee on agriculture, trade and manufactures.

The following communication was received and read:

House of Representatives, Feb. 8, 1869.

Hon. Geo. A. Smith, President and Members of the Council:

Gentlemen:—The House have adopted the accompanying memorials, and forward the same for your action:

1st, Memorial to Congress, asking that the nett proceeds of internal revenue be set aside for the erection of a Penitentiary.

2d, Memorial to Congress to amend the act relating to town sites.

Very respectfully,
ORSON PRATT, Sen., Speaker.

Said memorials were tabled to come up in their order.

Councilor Woodruff, chairman of the committee on agriculture trade and manufactures, to whom was referred C. F. No. 2, "An Act pertaining to sheep," reported that further legislation on that subject unnecessary, and,

On motion of Councilor E. Snow, the report was accepted, and the committee released from further consideration of the subject.

House memorial to Congress to amend an act relating to town sites, was read, and,

On motion of Councilor Haight, was referred to the committee on memorials.

House memorial to Congress that the nett proceeds of Internal Revenue be set aside for the erection of a Penitentiary, was read, and,

On motion of Councilor E. Snow, was also referred to the committee on memorials.

C. F. No. 14, "An Act providing for the organization of Rio Virgin county, and defining the boundaries thereof," was read, and,

On motion of Councilor Callister, was laid on the table to come up in its order.

Minutes called for, read and accepted.

On motion of Councilor Hyde, Council adjourned till ten a.m. to-morrow.

Benediction by the Chaplain.

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HOUSE.

REPRESENTATIVES' HALL, City Hall,
Salt Lake City, Feb. 8, 1869.

House met pursuant to adjournment.

Roll called. Quorum present.

Prayer by Mr. George Taylor.

Mr. S. S. Smith presented memorial to Congress to amend the act relating to town sites, which was read, and,

On motion of Mr. Lyman, said memorial was referred to the committee on petitions and memorials.

Mr. S. S. Smith presented "Memorial to Congress, asking that the net proceeds of internal revenue be set aside for the erection of a Penitentiary," which was read, and,

On motion of Mr. Maughan, said memorial was referred to the committee on petitions and memorials.

On motion of Mr. Young, the Superintendent of the Salt Lake City and Wanship Wagon Road, was requested to furnish this House with a concise report of the present condition of that road, and the means necessary to preserve it during the coming season of high water.

Mr. Lyman, chairman of committee on library, to whom was referred the motion of Mr. Rockwood, instructing them to co-operate with the librarian, for the purpose of getting up a catalogue of the library, and to memorialize Congress for an appropriation, beg leave to report the accompanying memorial, and will further report at an early day.

Said memorial to Congress was read, and,

On motion of Mr. Wright, referred to the committee on petitions and memorials.

Business in order.

H. F. No. 15, "An Act pertaining to damage done by animals," pending the consideration of which, the House adjourned on Saturday, was taken up on its second reading and amended, and,

On motion of Mr. Maughan, said bill was referred to the committee on Judiciary.

Mr. W. G. Smith, presented joint resolution changing the name of Richard Hoar, to Richard Orr, which was read, and,

On motion of Mr. Farr, said joint resolution was adopted.

Mr. John Taylor, chairman of committee on petitions and memorials, to whom was referred a memorial to Congress, asking that the nett proceeds of the Internal Revenue of this Territory be set aside for the erection of a Penitentiary, reported favorably thereto and recommended its adoption. Said committee also reported memorial to Congress to amend the act relating to town sites and recommended its passage.

On motion of Mr. Rich, the report was accepted and,

On motion of Mr. Reese, said memorial to Congress, asking that the nett proceeds of the Internal Revenue of this Territory be set aside for the erection of a Penitentiary, was adopted.

On motion of Mr. Rich, said memorial to Congress to amend the act relating to town sites was also adopted.

Minutes called for, read and accepted.

On motion of Mr. Reese, House adjourned till 10 a.m. tomorrow.

Benediction by Mr. Seeley.

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TUESDAY, FEBRUARY, 9, 1869.

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COUNCIL.

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COUNCIL CHAMBER, City Hall,
Salt Lake City, Feb. 9, 1869, 10 a.m.

Council met pursuant to adjournment.

Roll called. Quorum present.

Prayer by Elder McAllister.

Councilor Hyde, chairman of committee on petitions and memorials, to whom was referred House memorial to Congress, asking that the nett proceeds of the Internal Revenue of Utah Territory be set aside for the erection of a Penitentiary, reported the same back amended, and recommended its adoption.

The memorial was read as amended, and,

On motion of Councilor E. Snow, was concurred in as amended, and sent to the House for concurrence in the amendments.

Councilor E. Snow, chairman of the committee on claims and appropriations, to whom was referred an act for the relief of Wm. Morrison, ex-assessor and collector of Sanpete county, reported in lieu thereof, a joint resolution for relief of Wm. Morrison, which was read, and amended; and,

On motion of Councilor Callister, passed its first reading; and,

On motion of Councilor Hyde, passed its second reading; and,

On motion of Councilor Haight, was read the third time by its title, and so adopted, and sent to the House for concurrence.

The following communication was received:

House of Representatives, Feb. 9, 1869.

Hon. Geo. A. Smith, President and Members of the Council;

Gentlemen:—The accompanying joint resolution changing the name of Richard Hoar to Richard Orr, has passed the House, and is respectfully forwarded for your action.

Yours, etc.,

ORSON PRATT, Sen., Speaker.

The resolution was read twice, and,

On motion of Councilor E. Snow, was concurred in.

And the House notified accordingly.

Councilor Woodruff, chairman of the committee on agriculture trade and manufactures, to whom was referred H. F. No. 10, "An Act defining the duties of Territorial, county and municipal officers having the management and expenditure of public funds," reported bill back amended and recommended its passage.

The bill was read as amended, and,

On motion of Councilor Hyde, passed its third reading as amended, and was sent to the House for concurrence.

C. F. No, 14, "An Act providing for the organization of Rio-Virgin county and defining the boundaries thereof, was read the second time by sections. and,

On motion of Councilor E. Snow, was read the third time by its title, and so passed and sent to the House for concurrence.

Councilor Hyde, chairman of the committee on petitions and memorials, to whom was referred House "Memorial to Congress,' in relation to town sites, reported it back and recommended its adoption. The memorial was read, and,

On motion of Councilor Woodruff, was concurred in and the House notified accordingly.

Minutes called for, read and accepted.

On motion of Mr. Callister, Connell adjourned till ten a.m to-morrow.

Benediction by the Chaplain.

HOUSE.

REPRESENTATIVES' HALL, City Hall
Salt Lake City, Feb. 9, 1869.

House met pursuant to adjournment.

Roll called. Quorum present.

Prayer by Mr. Midgly.

The following communication was received and read:

Salt Lake City, Feb. 3, 1860.

Hon. Orson Pratt, Sen., Speaker and Members of the House of Representatives:

Gentlemen:—As Chancellor, pro tem., of the Deseret University, I have the honor to report to your honorable body that, the sum of forty-eight hundred and ninety-eight dollars and twenty-six cents, ($4,898 26), of the amount appropriated by the Legislative Assembly last session, has been expended in the publication of twenty thousand "First and Second Readers," which are now being distributed to the County Superintendent of Schools.

The manuscript of several other books is nearly completed, and it is the intention of the Regency to have the books printed and ready for distribution the coming fall.

Trusting that the efforts of the Regency to simplify the method of instruction that it may become a speedy, easy, and pleasant work to teacher and pupil, may be successful,

I remain, very respectfully,

DAVID O. CALDER.

Mr. Rockwood, chairman of committee on roads, bridges, etc., to whom was referred the motion of Mr. Reese, reported they had another interview with Mr. Brizzee, who made the following proposition to the Territory, viz:

That the Territory shall elect one man and Mr. Brizzee another, and the two shall elect a third, and the three persons so elected shall estimate the value of said bridges, Mr. Brizzee agreeing to take such apprisal for said bridges, one-fourth of said apprisal to be applied to the Perpetual Emigration Fund, and one-fourth to the benefit of common schools.

On motion of Mr. Farr, said proposition was laid on the table until called for.

Mr. George Taylor presented petition of F. Olsen, and sixty-five others, citizens of Springtown, Sanpete County, with accompanying bill, praying for a charter for said city, which petition was read, and,

On motion of Mr. Farr, said petition and accompanying bill was referred to the committee on municipal corporations.

Mr. Rockwood presented report of the Superintendent of the Salt Lake City and Wanship wagon road, in relation to the subject of Mr. Young's motion of yesterday, containing estimates of the amount of funds necessary to put the road in good repair, which was read, and,

On motion of Mr. John Taylor, the report was referred to the committee on roads, bridges, etc.

The following message was received and read:

"The Council do not concur in your amendment of the accompanying Council memorial to Congress, commending the re-surveying of public lands.

The Council concurs in House memorial to Congress concerning internal revenue, with amendments, and the same is respectfully forwarded for your concurrence in the amendments.

On motion of Mr. Maughan, the House receded from its amendments to Council's memorial to Congress in relation to the re-surveying of the public lands.

On motion of Mr. Snow, the House concurred in the Council amendments to said memorial relating to internal revenue.

Mr. Rich moved—

That the committee on roads, bridges and ferries be requested to inquire into the facts in relation to a toll gate being placed on the public highway running east, and being near Yellow Creek, and report to this House at an early day whether toll is taken there, according to law, or in violation thereto.

Seconded and carried.

Mr. Rich, chairman of committee on claims and appropriations, to whom was referred the communication of Wm. Clayton, Auditor of Public Accounts, reported they had examined the subject, and recommended the following sums to be inserted in the appropriation bill, viz:

For stationery for Auditor's office for the year 1869, -	$ 75 00
Postage, for the year 1868, - - - - - - -	21 30
To purchase desk for Auditor's office, - - -	200 00

On motion of Mr Farr, the committee on claims and appropriations were instructed accordingly.

Mr. Farr, chairman of committee on judiciary, to whom was referred H. F. No. 15, "An act pertaining to damage done by animals, and for other purposes," amended said bill and respectfully reported the same back, and recommended its passage.

Said committee also reported back H. F. No. 19, "An act regulating the manufacture and sale, or other disposal, of intoxicating liquors," and recommended that the same do not pass.

On motion of Mr. Reese, the report was accepted and the bill laid on the table, to come up in order.

Said bill, H. F. No. 15, "An act pertaining to damage done by animals," and for other purposes, was taken up on its second reading amended pending the consideration of which,

Minutes called for, read and accepted.

On motion of Mr. Lyman, House took a recess till 2 p. m.

TWO P. M.

House resumed its session.

Roll called. Quorum present.

The following message from the Council was received and read

"The Council concurs in the accompanying 'joint resolution: changing the name of Richard Hoar to Richard Orr.' They have adopted the accompanying 'joint resolution for the relief of Wm. Morrison,' which is respectfully forwarded for your action. They also concur in H. F. No. 10, "An Act defining the duties of Territorial, county and municipal officers, having the management and expenditure of public funds," as it is now amended, do you concur in the amendments?

"They have also passed C. F. No. 14, 'An Act providing for the organization of Rio Virgin county, and defining the boundaries thereof,' which is also respectfully forwarded for your concurrence.

The Council concur in House memorial to Congress in relation to town sites."

Said joint resolution for the relief of Wm. Morrison was read, and,

On motion of Mr. Rich, the House concurred in its adoption.

Said bill H. F. No. 10, "An Act defining the duties of Territorial

county and municipal officers having the management and expenditure of public funds," was read as amended, and,

On motion of Mr. Reese, the Council amendments to said bill were concurred in.

Said bill C. F. No. 14, "An Act providing for the organization of Rio Virgin country and defining the boundaries thereof," was read the first time, and,

On motion of Mr. S. S. Smith said bill was referred to the Committee on counties.

Business in Order.

On motion of Mr. Lyman, H. F. No. 15, "An Act pertaining to damage done by animals and for other purposes," was read the third time by its title, the title was amended and the bill so passed.

H.F.No.19, "An Act supplementary to an act entitled an act regulating the manufacture, sale or other disposal of intoxicating liquors, approved Jan. 20, 1860," was taken up on its second reading, and,

On motion of Mr. Rowberg, said bill was laid on the table indefinitely.

Mr. Farr, chairman of committee on judiciary, to whom was referred H. F. No. 18, "An act supplementary to the act entitled, An act regulating the mode of procedure in civil cases in the Courts of the Territoriy of Utah," reported said bill amended, and recommended its passage.

Said bill, H. F. No. 18, "An act supplementary to an act entitled an act regulating the mode of procedure in civil cases in the courts of the Territory of Utah," was read as amended, and,

On motion of Mr. Wright, the amendments were concurred in, and the bill taken up on its second reading, and amended, and,

On motion of Mr. Reese, said bill was read the third time by its title.

The title was read, approved, and the bill so passed.

Mr. John Taylor, chairman of committee on petitions and memorials, to whom was referred "memorial to Congress for an appriation to increase the Territorial Library," reported said memorial with amendments, and recommended its adoption.

Said memorial to Congress was read as amended, and,

On motion of Mr. John Taylor, said memorial was adopted.

Business in order.

C. F. No. 7, "An act prescribing rules and regulations for the execution of the trust arising under an act of Congress entitled, "An act for the relief of the inhabitants of cities and towns upon the public lands, approved March 2, 1867," was read the first time, and,

On motion of Mr. John Taylor, said bill was referred to the committee on Judiciary.

Minutes called for, read and accepted.

On motion of Mr. Maynghan, House adjourned till 10 a. m. tomorrow.

Benediction by the Chaplain.

WEDNESDAY, FEBRUARY 10, 1869.

COUNCIL.

COUNCIL CHAMBER, City Hall,
Salt Lake City, Feb. 10, 1869.

Council met pursuant to adjournment.
Roll called. Quorum present.
Prayer by the Chaplain.
The following were received and read:

House of Representatives, Feb. 9, 1869.

Hon. Geo. A. Smith, President and Members of the Council:

Gentlemen:—The House has receded from its amendment to Council memorial to Congress concerning re-survey of public lands; and has also concurred in your amendments to memorial to Congress concerning appropriation of Internal Revenue.

Very respectfully,
ORSON PRATT, Sen., Speaker.

House of Representatives, Feb. 9, 1869.

Hon. Geo. A. Smith, President and Members of the Council:

Gentlemen:—The House concur in the adoption of joint resolution for relief of Wm. Morrison, and in your amendment to H. F. No, 10, "An Act defining the duties of Territorial and County officers having the management and expenditure of public funds," said joint resolution is herewith returned.

The House have also adopted memorial to Congress for an appropriation to increase the Territorial library, which is respectfully forwarded for your action.

ORSON PRATT, Sen., Speaker.

The memorial was read, and,
On motion of Councilor Woodruff, was concurred in and the House notified accordingly.

The President of the Council presented petition of William H. Dame and 68 others, citizens of Iron county, asking for an appropriation for the encouragement of pisciculture in the waters of Pangwitch, which was read, and,

On motion of Councilor Harrington, was referred to the committee on agriculture, trade and manufactures.

Councilor Haight, of the committee on roads, bridges, ferries and kanyons, to whom was referred petition of the Mayor and City Council of Pleasant Grove City, asking for an appropriation of six hundred dollars, to assist the people of that city in making a gravel road through the low lands, between said city and American Fork, recommended that the sum of six hundred dollars ($600) be included in the Territorial appropriation bill, to be used according to said petition under the direction of Leonard E. Harrington.

On motion of Councilor Smoot, the report was accepted and the committee discharged from further consideration of the subject.

Minutes called for, read and accepted.

On motion of Councilor Callister, Council adjourned till ten a. m. to-morrow.

Benediction by the Chaplain.

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HOUSE.

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REPRESENTATIVES' HALL, City Hall,
Salt Lake City, Feb. 10, 1869.

House met pursuant to adjournment.

Roll called. Quorum present.

Prayer by the Chaplain.

Mr. Rockwood presented the following report:

Your committee on roads, bridges, and ferries, to whom was referred the instructions couched in Mr. Reese's motion in relation to the extension of the east section of the Salt Lake City & Wanship Wagon Road, report adversely to the acceptance of either of the proposals of Mr. Brizzee, to sell to the Territory his right, title and interest in the bridges across Weber River, in Summit Co.

We further report that we have taken into consideration the subject contained in Mr. Smith's motion, instructing us to examine the statute and evidence, to learn if the parties having grants for toll roads or bridges, have complied with the provisions of their respective grants. At present we are only prepared to report in the case of the grant to H. S. Alexander. From the evidence before us we find that the provisions of the grant have not been complied with in several particulars. First, in not paying over the five per cent of the toll in 1867. Second, in not making a report to the 17th session. Third; in not paying over the five per cent for the year 1868. Fourth, in not making a report to the present session, as required by law.

On the subject of the paying of the five per cent., we have the official report of the Treasurer setting forth that no money has been paid.

On the subject of the reports, we have the Journals of the Legislative Assembly. Each of these we consider official information.

Therefore we recommend the passage of the accompanying bill, for the repealing of the grant by virtue of which the proprietors have been collecting toll.

On motion of Mr. Reese, the first two items in said report was adopted, and said bill, "An act repealing an act entitled, an act granting to Henry S. Alexander the right to erect a toll bridge or bridges across the Weber River, in Summit County," was read, and,

On motion of Mr. Reese, said bill was rejected.

Mr. Rockwood presented the following report:

Your committee on roads, bridges and ferries, to whom was referred the motion of Mr. Reese, in relation to the collection of toll on Yellow Creek, in Summit County, have made inquiry in rela-

tion to the subject, and find, by the evidence before us, that toll has been taken to a large amount, but we find no authority of law authorizing the so doing.

Therefore, we consider the act an imposition upon the public, and the parties offending liable under the second section of an act entitled, "An act in relation to defrauding and cheating or swindling," approved January 20, 1862.

Mr. Thurber moved that the committee on roads, bridges and ferries be instructed to bring in a bill to prohibit unauthorized persons from taking toll on public highways.

Seconded and carried.

A message was received from the Council announcing its concurrence in House "Memorial to Congress for an appropriation to increase the Territorial Library."

Mr. S. S. Smith presented petition of W. H. Dame, and 78 others, citizens of Iron County, praying for an appropriation for road purposes, which was read, and,

On motion of Mr. Lyman, said petition was referred to the committee on roads, bridges, etc.

Minutes called for, read and accepted.

On motion of Mr. S. S. Smith, House took a recess till 2 p.m.

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TWO P. M.

House resumed its session.

Roll called. Quorum present.

Mr. Snow moved that the committee on claims and appropriations be instructed to insert in the Territorial appropriation bill the sum of one thousand dollars, to be expended on the road leading from St. George to Cedar City, through Pinto Valley and Pinto settlements to be expended under the direction of Erastus Snow.

On motion of Mr. Thurber, the motion of Mr. Snow was referred to the committee on roads, bridges, etc.

Mr. Snow moved that the committee on roads, bridges, etc., be instructed to inquire into the practicability of dividing the Territory into three or more road districts, and appointing a Superintendent in each district, and report at an early day by bill or otherwise.

Seconded and carried.

Mr. Cluff presented "An Act for the establishment of a normal school," which was read the first time, and,

On motion of Mr. Lyman, said bill was referred to the committee on education, and one hundred copies thereof ordered printed for the use of the Assembly.

Mr. Murdock presented petition of James Low and 88 others, citizens of Beaver county, asking the Legislative Assembly to appropriate one thousand dollars to assist in building a bridge across the Beaver river, on the Territorial road, which was read, and,

On motion of Mr. Reese, said petition was referred to the committee on roads, bridges, etc.

Mr. Wright moved that a special committee be appointed to act in conjunction with a like committee from the Council, to examine all bills, acts and resolutions passed by both Houses, after they are engrossed, to see that they are true copies of the original at the time of their passage.

Seconded and carried.

The Speaker appointed Messrs. Thurber and Snow said special committee.

Business in order.

H. F. No. 20, "An Act in relation to interest on money," was read the second time.

H, F. No. 21, "An Act providing rules for working mines involving easements, drainage and other necessary developments," was read the second time by sections, pending the consideration of which,

On motion of Mr. Cluff, said bill was referred to the committee on mineral resources, with instructions.

H. F. No. 22, "An Act for general incorporations for pecuniary profits," was read the first time.

Minutes called for, read and accepted.

On motion of Mr. Snow, House adjourned till ten a. m. to-morrow.

Benediction by the Chaplain.

———:o:———

THURSDAY, FEBRUARY 11, 1869.

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COUNCIL.

COUNCIL CHAMBER, Salt Lake City,
Feb. 11, 1869, 10 a.m.

Council met pursuant to adjournment.

Roll called. Quorum present.

Prayer by the Chaplain.

The following were received and read:

Representatives' Hall, City Hall,
Salt Lake City, Feb. 10, 1869.

Hon. Geo. A. Smith, President and Members of the Council:

Gentlemen:—The House has passed H. F. No. 15, "An Act pertaining to damage done by animals, and defining a lawful fence," also H. F, No. 18, "An Act supplementary to the act entitled an act regulating the mode of procedure in civil cases in the courts of the Territory of Utah." Said bills are respectfully forwarded for your action.

ORSON PRATT, Sen., Speaker.

Representatives' Hall, S. L. City, Feb. 11, 1869.

Hon. Geo. A. Smith, President, and Members of the Council:

Gentlemen:—Messrs. Thurber and Snow have been appointed a special committee on the part of the House, to act with a like committee from the Council, to examine all bills, acts and resolutions passed by both Houses, after they are engrossed, and see they are true copies of the originals at the time of their passage.

Very respectfully,

ORSON PRATT, Sen., Speaker.

On motion of Councilor Smoot, the Council agreed to appoint a special committee to act with the House committee, on the examination of bills after the same are engrossed.

The President appointed Councilors Hyde and E. Snow said committee, and the House was notified accordingly.

H. F. No. 15, "An Act pertaining to damage done by animals and defining a lawful fence," was read, and,

On motion of Councilor E. Snow, was laid on the table to come up in its order.

H. F. No. 18, "An Act supplementary to the act entitled an act regulating the mode of procedure in civil cases in the courts of the Territory of Utah," was read, and,

On motion of Councilor Smoot, was referred to the committee on judiciary.

Councilor Haight presented the financial report of Davis county, which was read, and,

On motion of Councilor Haight, was referred to the committee on revenue, and ordered spread on the minutes.

FINANCIAL REPORT OF DAVIS COUNTY.

By amount of county tax		$2076 92
" " fines		160 00
" " licences		197 12
To expenses on criminal cases	$ 150 65	
To office repairs, furniture, stationery, etc	252 45	
To purchase shutters and repair foundation	100 00	
To road supervisers for extra labor	81 50	
To repairing Farmington bridge	45 00	
To furnish books for poundkeepers	15 00	
To expend on road districts 2 and 3	300 00	
To expend on road from Thornton's to kanyon	500 00	
To Cooper for damages by county road	50 00	
To erect precinct pound Kaysville	130 00	
To service of members of county court at regular and special terms	215 00	
To services of clerk for county and Probate courts	350 00	
To purchase wood, etc., for office	25 00	
To prosecuting attorney	50 00	
To Sheriff for labor	5 00	
To jurymen furnished to 3d District court	10 00	
	$2279 60	$2434 04
Balance in Treasury		154 44

I hereby certify that the above report is correct according to the books of Davis County, for the year ending May 1st, 1868.

CHARLES W. STAYNER,
Clerk of the County Court of Davis County.

May 1st, 1868.

Councilor Woodruff, chairman of committee on agriculture, trade and manufactures, to whom was referred C. F. No. 3, "An Act to amend an act prescribing the manner of assessing and collecting

the Territorial and county taxes and for other purposes," reported the same back amended, and recommended its passage as amended

The bill was read as amended, and pending the reading,

On motion of Councilor Harrington, Council took recess till two p.m.

TWO P. M.

Council resumed its session.

The following communication was received and read:

House of Representatives,
Salt Lake City, Feb. 11, 1869.

Hon. Geo. A. Smith, President, and
Members of the Council:

Gentlemen:—The accompanying bill, entitled H. F. No. 24, "An Act further defining the duties of the Superintendent of the Salt Lake City and Wanship wagon road, also the accompanying bill, entitled H. F. No. 11, "An Act in relation to interest on money," have passed the House and are respectfully forwarded for your action. The latter bill is a substitute for C. F. No. 6, which is also herewith returned.

Very respectfully,
ORSON, PRATT, Sen., Speaker.

The second reading of C. F. No. 3, "An Act to amend an act, entitled an act prescribing the manner of assessing and collecting Terrttorial and county taxes, and for other purposes," approved Jan. 20, 1865, was resumed, and,

On motion of Councilor E. Snow, passed its second reading as amended by the House and Council, and,

On motion of Councilor Smoot, was read the third time by its title, and so passed and sent to the House for concurrence in the Council amendments.

H. F. No. 15, "An Act pertaining to damage done by animals, and defining a lawful fence," was taken up on its second reading by sections, and,

On motion of Councilor Harrington, was referred to the committee on agriculture, trade and manufactures.

Councilor Smoot presented C. F. No. 15, a bill for "An Act in relation to attachments and garnishments," which was read, and,

On motion of Councilor Smoot, passed its first reading, and,

On motion of Councilor Callister, was referred to the committee on judiciary.

Councilor Harrington presented C. F. No. 16, a bill for "A homestead Act," which was read, and,

On motion of Councilor Hyde, passed its first reading, and,

On motion of Councilor Smoot, was referred to the committee on judiciary.

H. F. No. 26, "An act further defining the duties of the Superintendent of the Salt Lake City and Wanship Wagon Road," was read and

On motion of Councilor Harrington, was referred to the committee on roads, bridges, etc.

H. F. No. 11, "An act in relation to interest on money," was read, and,

On motion of Councilor Harrington, was referred to the com-

mittee on agriculture, trade and manufactures.

Minutes called for, read and acepted.

On motion of Councilor Smoot, the Council adjourned till to-morrow at ten a.m.

Benediction by the Chaplain.

HOUSE.

REPRESENTATIVES' HALL, City Hall,
Salt Lake City, Feb. 11, 1869.

House met pursuant to adjournment.

Roll called. Quorum present.

Prayer by the Chaplain.

Mr. George Taylor presented petition of Hans Nicolsen, praying for an appropriation to liquidate the bills of Doctors Anderson and Ormsby for professional services rendered, which was read, and,

On motion of Mr. Reese, said petition was referred to the committee on claims and appropriations.

Mr. Rockwood presented the following repert.

"Gentlemen:—Your committee on roads, bridges, etc., to whom was referred H. F. No. 17, "An Act further defining the duties of the Superintendent of the Salt Lake City and Wanship wagon road," also the motion of Mr. John Taylor, instructing your committee to bring in a bill providing for the deposit of money in the Territorial Treasury by the Superintendent of said road, having examined the subject, recommend the adoption of the accompanying bill as a substitute for said H. F. No. 17.

Your committee further recommend that the committee on claims and appropriations be instructed to insert in the Territorial appropriation bill the sum of $390 for balance of services due the Superintendent of said road.

Your committee have also considered the report of the Superintendent in relation to the condition of the road, and necessary improvements to be made immediately to protect it from the contemplated high water the ensuing spring, therefore your committee deem it inexpedient to order more than $2000 to be paid into the Territorial Treasury, as the balance on hand is necessary for immediate use on the road."

Said substitute bill, "An Act further defining the duties of the Salt Lake City and Wanship wagon road," was read the first time.

On motion of Mr. Reese, the recommendation of the committee that the sum of $390 be inserted in the Territorial appropriation bill for services due the Superintendent of the Salt Lake City and Wanship wagon road was accepted, and the committee on claims and appropriations instructed accordingly.

Said substitute bill, "An Act further defining the duties of the Superintendent of the Salt Lake City and Wanship wagon road," was read the second time by sections, and,

On motion of Mr. Thurber, was read the third time by its title.

The title was read, approved, and the bill so passed.

A message was received from the Council announcing that Councilors Hyde and E. Snow had been appointed a committee on the part of the Council to examine engrossed bills.

Mr. Young presented a substitute bill for "An Act in relation to interest on money," which was read the first time, and,

On motion of Mr. Reese, was read the second time by sections, amended, and,

On motion of Mr. Farr, said bill was read the third time by its title.

The title was read, approved, and the bill so passed.

Minutes called for, read and accepted.

On motion of Mr. Cluff, House took a recess till 2 p.m.

TWO P. M.

House resumed its session.

Roll called. Quorum present.

Mr. Rich, chairman of committee on claims and appropriations, to whom was referred the petition of Hans Nicholisen, praying for relief in consequence of expenses incurred on account of injuries received by his son, during services in the campaign of 1867 against the hostile Indians of Sanpete, reported they had examined the subject, and recommended the sum of $215 to be inserted in the Territorial appropriation bill for that purpose.

On motion of Mr. Reese, the report was accepted, and the committee on claims and appropriations instructed accordingly.

Mr. Farr, chairman of committee on judiciary, to whom was referred C. F. No. 7, "An Act prescribing rules and regulations for the execution of the trust arising under an act of Congress entitled 'An Act for the relief of inhabitants of cities and towns upon the public lands,'" approved March 2, 1867, reported back said bill amended, and recommended its passage.

Said bill, C. F. No. 7, "An Act prescribing rules and regulations for the execution of the trust, etc.," was read as amended, and,

On motion of Mr. Reese, said bill was read the second time by sections, was further amended, and,

On motion of Mr. S. S. Smith, said bill was read the third time by its title.

The title was read, approved, and the bill so passed.

The following message was received from the Council:

The amendments to the accompanying bill, C. F. No. 3, "An Act to amend an act entitled, An act prescribing the manner of assessing and collecting Territorial and County taxes, and for other purposes," approved Jan. 20, 1865, are concurred in by the Council and the bill has been further amended. Do you concur in the amendments?

Said bill, C. F. No. 3, "An act to amend an act entitled, An act prescribing the manner of assessing and collecting Territorial and County taxes, and for other purposes," approved Jan. 20, 1865, was read as amended, and the amendments thereto concurred in by the House.

Mr. W. R. Smith moved that the committee on claims and appropriations be instructed to incorporate the sum of eight hundred dollars in the general appropriation bill, to be expended on the main thoroughfare in Davis County, between Salt Lake, Weber,

and Morgan counties, on condition that the County Court of Davis County shall appropriate the same amount for the same purpose, to be expended under the direction of the County Road Commissioner, and to be drawn on his order.

On motion of Mr. Thurber, the motion of Mr. W. R. Smith was referred to the committee on roads, bridges, etc.

On motion of Mr. Cluff, Messrs. Young and Midgley were added to the committee on education.

Minutes called for, read and accepted.

On motion of Mr. Lyman, House adjourned to 10 a.m. to-morrow.

Benediction by the Chaplain.

FRIDAY, FEBRUARY 12, 1869.

COUNCIL.

COUNCIL CHAMBER, City Hall,
Salt Lake City, Feb. 12, 1869, 10 o'clock a.m.

Council met pursuant to adjournment.

Roll called. Quorum present.

Prayer by the Chaplain.

The following communication was received and read:

Representatives' Hall, Feb. 12, 1869.

Hon. George A. Smith, President of the Council:

Gentlemen:—The House has passed C. F. No. 7, "An Act prescribing rules and regulations for the execution of the trust arising under an act of Congress, entitled an act for the relief of the inhabitants of cities and towns upon the public lands," approved March 2d, '67, with amendments.

Do you concur in the amendments of the House?

Very respectfully,
ORSON PRATT, Sen., Speaker.

The above named bill was read as amended by the House, and,

On motion of Councilor E. Snow, the amendments were concurred in and the House notified accordingly.

Resolution for the relief of Wm. Morrison, and memorial to Congress for an appropriation for a re-survey of the public lands of Utah, were forwarded to His Excellency the Governor for executive action thereon.

Council took a recess till two o'clock p.m.

TWO P. M.

Council resumed its session.

Councilor Woodruff, chairman of the committee on agriculture,

trade and manufactures, to whom was referred H. F. No. 15, "An Act pertaining to damage done by animals and defining a lawful fence," reported the bill back amended and recommended its passage.

On motion of Councilor Hyde, the report was accepted and the bill read the second time by sections, and,

On motion of Councilor E. Snow, passed its second reading, and,

On motion of Councilor Woodruff, was read the third time by its title, and so passed and sent to the House for concurrence.

Councilor Harrington presented C. F. No. 17, "An Act concerning judgments and executions."

Which was read, and,

On motion of Councilor Callister, passed its first reading and was referred to the committee on judiciary.

Councilor E. Snow, on behalf of the committee on private incorporations and town sites, to whom was referred H. F. No. 5, "An Act incorporating the Grantsville city library association," reported the same back and recommended nonconcurrence, and,

On motion of Councilor Callister, the report was accepted and the committee discharged from further consideration of the subject.

On motion of Councilor Haight, the bill was returned to the House non-concurred in.

The following communication was received and read:

House of Representatives, Feb. 12, 1869.

Hon. Geo. A. Smith, President and Members of the Council:

Gentlemen:—The accompanying bill, entitled H. F. No. 22, "An Act for general incorporations for pecuniary profit," has passed the House and is respectfully forwarded for your action.

Very respectfully,

ORSON PRATT, Sen., Speaker.

Minutes called for, read and accepted.

On motion of Councilor Haight, Council adjourned till to-morrow at ten a.m.

Benediction by the Chaplain.

HOUSE.

REPRESENTATIVES' HALL, City Hall,
Salt Lake City, Feb. 12, 1869.

House met pursuant to adjournment.

Roll called. Quorum present.

Prayer by the Chaplain.

The following communication was received and read:

Executive Office, Utah,
Salt Lake City, Feb. 12, 1869.

Hon. Orson Pratt, Speaker of the House:

Sir:—I have this day approved, signed and deposited in the office of the Secretary of the Territory, an act entitled "An Act changing the county seat of Summit County," also

A joint resolution changing the name of Richard Hoar to Richard Orr.

The memorial to Congress, praying that the nett proceeds of Internal Revenue be set aside for the erection of a Penitentiary, has been received from your Honorable body, and forwarded to the Hon. Delegate from Utah, for presentation.

The following named enrolled bill and memorials are hereby respectfully returned for the signatures of the presiding officers of the Council and House:

"An Act defining the duties of Territorial and county officers having the management and expenditure of public funds."

A memorial to Congress to amend the Act relating to town sites, and,

A memorial to Congress for an appropriation to increase the Territorial library.

Very respectfully,

EDWIN HIGGINS, Acting Governor.

Mr. Rockwood, chairman of committee on roads, bridges, etc., to whom was referred the motion of Mr. Snow in relation to the propriety of dividing the Territory into three or more road districts reported they had considered the subject, and recommended the passage of the accompanying bill.

The committee had also considered the motion of Mr. Thurber, instructing them to bring in a bill making it an offence for any unauthorized persons to collect toll on the public highways, and reported they had provided therefor in section five of said accompanying bill.

Said bill, "An act dividing the Territory into Road Districts, and defining the duties of Road Commissioners," was read the first time.

Mr. Rich moved that the committee on claims and appropriations be instructed to insert in the appropriation bill the sum of $202 56, the balance of Territorial taxes due from Rich County for the year 1868, to be expended on the road leading from Huntsville to Ithaca, under the direction of the county court of Rich County, said court to report the same to the Auditor of Public Accounts previous to the next session of the Legislative Assembly.

On motion of Mr. Lyman, the motion of Mr. Rich was referred to the committee on roads, bridges, etc.

Mr. Rich moved that the committee on claims and appropriations be instructed to insert in the Territorial appropriation bill the sum of five hundred dollars, to be expended under the direction of Lorin Farr, in Beaver Kanyon, on the road leading from Huntsville to Bear Lake Valley.

On motion of Mr. Thurber, the motion of Mr. Rich was referred to the committee on roads, bridges, etc.

The following message was received and read:

"The Council concurs in House amendments to C. F. No. 7, "An act prescribing rules and regulations for the execution of the trust arising under An act for the relief of the inhabitants of cities and towns, etc."

On motion of Mr. S. S. Smith, House took a recess till 2 p.m.

House resumed its sitting.

Roll called. Quorum present.

Mr. Geo. Taylor presented petition of R. L. Johnson, and sixty-two others, citizens of Sanpete County, with accompanying bill, asking for a city charter, which petition was read, and,

On motion of Mr. Thurber, said petition and accompanying bill were referred to the committee on municipal corporations.

Mr. Midgley presented the following report:

Committee Room, Feb. 12, 1869.

To the Honorable Speaker and
Members of the House of Representatives:

Gentlemen:—Your committee on printing would respectfully report that a mis-print and omission occurred in the Auditor's report of delinquent taxes for the year 1869, as printed in pamphlet form. On page 8 of said report, where the heading "Juab County" appears, it should read "Morgan County," and the report of Juab County has been omitted.

The following is the Auditor's report of Juab County:

"The Collector, Samuel Pitchforth, says under date 27th ult., "I hope to be able to close my tax account within a short time."

Your committee would further represent that the type for printing said report has been distributed, which, if required to be re-set, at the present busy time, might inconvenience more urgent business now in the hands of the Public Printer.

Your committee would therefore recommend that the ERRATA appear on the minutes and journals, and that the printer be not required to re-print said report.

Very Respectfully,
JONATHAN MIDGLEY,
Chairman of Com. on Printing.

On motion of Mr. Rich, the report was accepted.

Mr. Young reported H. F. No. 30, "An act to provide for a Mechanic's and Laborer's lien," which was read the first time.

Business in order.

H. F. No. 22, "An act for general incorporations for pecuniary profit," was taken up on its second reading by sections, was amended, and,

On motion of Mr. Thurber, said bill was read the third time by its title.

The title was read, approved, and the bill so passed.

On motion of Mr. Snow, H. F. No. 28, "An act dividing the Territory into Road Districts, and defining the duties of Road Commissioners, and for the protection of the public thoroughfares," was taken up on its second reading by sections, was amended, and,

On motion of Mr. Rich, said bill was read the third time by its title.

The title was read, approved, and the bill so passed.

Minutes called for, read and accepted.

On motion of Mr. Pace, House adjourned till 10 a.m. to-morrow.

Benediction by Mr. W. G. Smith.

SATUBDAY, FEBRUARY 13, 1869.

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COUNCIL.

COUNCIL CHAMBER, City Hall,
Salt Lake City, Feb. 13, 1869.

Council met pursuant to adjournment.
Roll called. Quorum present.
Prayer by tbe Chaplain.
H. F. No. 22, "An Act for general incorporations for pecuniary profit," was read, and,
On motion of Councilor Woodruff, passed its first reading and was referred to the committee on private incorporations and telegraph companies.
Councilor Haight, of the committee on roads, bridges, ferries and kanyons, presented the following report:

Committee Room, Feb. 13, 1869.

To the President and Members of the Council:

Gentlemen:—Your committee on roads, bridges, ferries and kanyons, to whom was referred E. Snow's report of expenditures on Territorial road, from Beaver Dam to the valley of the Muddy, would respectfully ask leave to report the same back, with the recommendation that the sum of $635,47 be incorporated in the appropriation bill, to cancel the amount expended in excess of the appropriation of last year.

H. C. HAIGHT,
in behalf of Committee.

Which was read, and,
On motion of Councilor Smoot, was accepted and the committee discharged from further consideration of the subject.
Councilor Smoot presented the following communication,

Territorial Road Commissioner's Office,
Salt Lake City Feb. 11, 1869.

To the Honorable the Legislative Assembly of the Territory of Utah.
Gentlemen:—I respectfully suggest to your honorable body the propriety of changing the location of the Territorial road running through the City of Provo, according to a preliminary survey made in April last by the Surveyor General of the Territory, which runs as follows: Beginning in the centre of Main Street where the eight rod street between the public block crosses said Main Street in Provo City, thence, North one hundred and forty-nine rods to north line of city, thence, onward north eighty-five and a half rods to south line of Wm. Wright's farm, thence, across said farm seventeen rods, thence, onward north one hundred and nineteen rods to centre of four rod street east and west, thence, west one hundred and forty-eight rods to centre of Territorial road, thence, north sixty-eight degrees west, twenty-eight rods to the south bank of Provo river at the new bridge.
A part of the survey runs through occupied lands and the owners thereof will necessarily have to be compensated; and I

respectfully recomend that the change in location be authorized, and that an appropriation of two thousand dollars be made for opening and improving the proposed road.

Very respectfully,
THEODORE McKEAN,
Territorial Road Commissioner.

Which was read, and,

On motion of Councilor E. Snow, was referred to the committee on roads, bridges, ferries and kanyons.

Councilor E. Snow, on behalf of the committee on agriculture, trade and manufacture, to whom was referred H. F. 13. "An Act defining the duties of ponndkeepers and for other purposes," reported the same back amendod. The bill was read as amended, and,

On motion of Councilor Woodruff was ordered to be engrossed as amended.

Minutes read and accepted.

On motion of Councilor Smoot, the Council adjourned till 10 a.m. Monday.

Benediction by Elder Hyde.

HOUSE.

REPRESENTATIVES' HALL, City Hall,
Salt Lake City, Feb. 13, 1869.

House met pursuant to adjournment.

Roll called. Quorum present.

Prayer by Mr. Young.

The following message was received and read:

The Council has passed H. F. No, 15, "An act pertaining to damage done by animals, and defining a lawful fence," with amendments. Do you concur in the amendments?

The Council do not concur in H. F. No. 5, "An act incorporating the Grantsville City Library Association."

Said bill, H. F. No. 15, "An act pertaining to damage done by animals, and defining a lawful fence," was read as amended by the Council, and,

On motion of Mr. Lyman, the House concurred in the Council amendments to said bill.

Mr. S. S. Smith asked and obtained leave to withdraw the petition of Ebenezer Hanks, and others.

Mr. S. S. Smith presented petition of Ebenezer Hanks, and others, praying the exemption of the Union Iron Companies' works from Territorial taxation for the period of ten years, which petition was read, and,

On motion of Mr. Thurber, was referred to the committee on revenue.

Mr. Rockwood presented the following report:

Special committee on the part of the House to whom was referred the petition of the citizens of Salt Lake County praying for an

appropriation to erect an insane hospital, recommend that the committee on claims and appropriations be instructed to insert in the appropriation bill as follows, to wit: that there be and hereby is appropriated out of any money in the treasury, not otherwise appropriated the sum of ten thousand dollars to assist the corporate authorities of Salt Lake City, in erecting an insane asylum and hospital; said amount to be drawn and expended under the direction of said City Council, whenever the additional amount of twenty thousand dollars shall be appropriated by Salt Lake City and county or raised from other sources.

On motion of Mr. Reese, the report was adopted and the committee on claims and appropriations instructed accordingly.

Mr. Rockwood presented the following:

Committee Room, Feb. 13, 1869.

Hon., Orson Pratt and members of the House.

Gentlemen:—Your committee on municipal corporations and town sites, to whom was referred the petitions of the citizens of Sanpete County praying for an act to incorporate the town of Fountain Green and Springtown, in said county, by granting each a city charter. I have taken the subject into consideration, and report that it is expedient to legislate thereon.

Respectfully submitted by your committee,

A. P. ROCKWOOD,
Chairman.

On motion of Mr. Lyman, the report was accepted and the committee discharged from the further consideration of the subject.

Mr. Pace presented the following report:

Gentlemen:—Your committee on counties, to whom was referred, C. F. No. 14. "An Act providing for the organization of Rio Virgin County, and defining the boundaries thereof," respectfully ask leave to report the same back amended, and recommend its passage.

Very Respectfully,

W. PACE,
Chairman.

Said bill, C. F. No. 14, "An act providing for the organization of Rio Virgin County, and defining the boundaries thereof," was read as amended, and,

On motion of Mr. Lyman, the amendments were adopted, and,

On motion of Mr. Thurber, said bill was read the second time by sections, pending the consideration of which,

On motion of Mr. Rockwood, said bill was referred back to the committee on counties, with instructions.

Mr. Hatch presented financial report of Wasatch County, which was read, and,

On motion of Mr. W. G. Smith, was referred to the committee on revenue, and ordered spread on the minutes.

FINANCIAL REPORT OF WASATCH COUNTY.

	DR.	CR.
To Balance due on Territorial tax.....	$821 71	
By W. Clayton—Auditor's receipt.....		$130 00
By Assessor and Collector's per centage.....		15 60

To The Territory as per Assessor and Collector's roll, year 1868	573 13	
By W. Clayton—Auditor's receipt		100 00
By Assessor and Collector's per centage		15 00
By Taxes remitted by County Court, year, '68		13 35
	$1394 83	$278 95
	278 95	
Balance due the Territory	$1120 88	
To Balance due on county tax, per Assessor and Collector	$928 36	
By receipt on county tax		$182 95
By Assessor and Collector's per centage		36 59
By tax remitted by County Court, year '68		6 65
To county tax, as per Assessor and Collector's roll, year 1868	286 56	
	$1212 92	$226 19
	226 19	
Balance due on county tax	$986 73	

DISBURSEMENTS DURING THE YEAR.

On Provo Canon road and bridges which was appropriated by the County Court	$800 00	
On the Insane	56 50	
On the Estray Pound	50 00	
On Elections	23 50	
On members of County Court—Judge, $9 30 Select, $14 50, Cl'k., $8 00	31 80	
On Stationery	3 70	
		$965 50
Substract		986 73
From		
Balance		$ 21 23

By order of the County Court.

JAS. McNAUGHTAN,
County Clerk.

Mr. Rich, presented financial report of Rich County, which was read, and,

On motion of Mr. Lyman, was referred to the committee on revenue, and ordered spread on the minutes.

To the Honorable, the Governor and
Legislative Assembly of Utah Ter:

Gentlemen:—I have the honor to submit to your honorable body the following report of the finances of Rich County, from its organization, July 6, 1864, to June 1, 1868:

Amount of taxes assessed,..... $1615 74..

RECEIPTS.

Amount of taxes collected	$1096 20
Amount of fines assessed and collected	72 00

Amount paid to Treasurer by Poundkeeper	51 25
Total receipts	$1219 45

DISBURSEMENTS.

Amount court expenses, including elections, stationery, etc	$496 24
Building bridge, (Swan Creek),	210 00
Repairing road	138 52
Support of poor	55 00
Collection per centage	129 60
Total disbursments	$1029 36
Amount on hand	$190 09
Amount taxes not collected	519 54
Amount on hand and due	$709 63

I am, Gentlemen,
Very Respectfully,
Your Obedient Servant,
WILLIAM M. ALLRED,
County Clerk.

Mr. Farr, moved that the committee on claims and appropriations be instructed to incorporate in the Territoaial appropriation bill, the sum of one thousand dollars to be expended in graveling the State road leading south of Ogden City plat, said appropriation to be laid out under the direction of the Territorial road commissioner unless otherwise provided for.

On motion of Mr. Thurber, the motion of Mr. Farr, was referred to the committee on roads, bridges, etc.

Business in order.

H. F. No. 30. "An Act to provide for a mechanic's and laborers' lien," was taken up on its second reading by sections, and,

On motion of Mr. Reese, was read the third time by its title.

The title was read, approved, and the bill so passed.

Minutes called for, read and accepted.

On motion of Mr. Lyman, House adjourned till Monday 15 inst. at 10 a.m.

Benediction by Mr. Rich.

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MONDAY, FEBRUARY 15, 1869.

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COUNCIL.

COUNCIL CHAMBER, Salt Lake City,
Feb. 15, 1869, 10 a.m.

Council met pursuant to adjournment.

Roll called. Quorum present.

Prayer by Elder Benson.

H. F. No. 28, "An Act dividing the Territory into road districts, and defining the duties of road commissioners and for the protection of the public thoroughfares," was read the first time, and,

On motion of Councilor Young, was referred to the committee on roads, bridges, etc.

H. F. No. 30, "An Act to provide for a mechanics' and laborers' lien," was read the first time, and,

On motion of Councilor Woodruff, was read the second time by sections, and,

On motion of Councilor Benson, passed its second reading, and,

On motion of Councilor Hyde, passed its third reading by its title, and the House notified accordingly.

Councilor Callister presented account of Patrick Lynch, Clerk 3d District Court, which was read, and,

On motion of Councilor Benson, the committee on claims and appropriations were instructed to incorporate the same in the general appropriation bill.

Councilor E. Snow presented petition of J. G. Bigler and of other citizens of Nephi and Levan, praying for an appropriation for road purposes, which was read, and,

On motion of Councilor Callister, was referred to the committee on roads, bridges, etc.

Councilor E. Snow presented communications from J. T. Willis and A. P. Winson, with regard to change of boundaries of Kane and Washington counties, and the removal of the county seat of Kane to Tokerville, which were read, and,

On motion of Councilor E. Snow, were referred to the committee on counties.

Councilor Johnson presented C. F. No. 17, "An Act amending an act entitled an act concerning transfer of land claims and other property," approved Jan 18, 1855," which was read, and,

On motion of Couucilor Smoot, passed its first reading, and,

On motion of Councilor Woodruff, was read the second time, and,

On motion of Councilor Smoot, was referred to the committee on Judiciary.

Councilor Smoot presented C. F. No. 18, a bill for an act to provide more effectually for the preservation of the public peace and health, which was read, and,

On motion of Councilor E. Snow, was laid on the table to come up in its order.

Councilor Woodruff presented C. F. No. 19, "An act to punish for certain offences therein named," which was read, and,

On motion of Councilor Smoot, was laid on the table to come up in its order.

Councilor Woodruff, chairman of the committee on agriculture, trade and manufactures, to whom was referred H. F. No. 20, "An act in relation to interest on money," reported adversely on the same, and presented C. F. No. 20, "An act in relation to interest on money," as a substitute in lieu thereof, and recommended its passage. Said bill was read, and laid on the table to come up in its order.

H. F. No. 13, "An act defining the duties of Poundkeepers, and for other purposes," was taken up on its second reading by sections, and amended, and,

Pending the consideration thereof, the Council took a recess till 2 p.m.

TWO P. M.

Council resumed its session.

The President of the Council and the Speaker of the House having signed C. F. No. 7, "An act prescribing rules and regulations for the execution of the trust arising under an act of Congress entitled, An act for the relief of the inhabitants of cities and towns upon the public lands, approved March 2, 1867," it was sent to the Governor for Executive action.

Councilor Harrington moved that $500 be appropriated out of any moneys in the Territorial Treasury not otherwise appropriated, to be drawn and expended by the President of the Deseret Agricultural and Manufacturing Society, for the encouragement of the manufacture of crockeryware.

Seconded and carried unanimously.

C. F. No. 18, "An act to provide more effectually for the preservation of the public peace and health," was taken up on its second reading by sections, and,

On motion of Councilor Callister, was referred to the committee on Judiciary.

The following communication was received and read:

Representatives' Hall, Feb. 15, 1869.

Hon. Geo. A. Smith, President, and
Members of the Council:

Gentlemen:—The accompanying Memorial to Congress for an appropriation to defray the expenses of the Indian war in Utah Territory," has passed the House, and is respectfully submitted for the action of your honorable body.

Very respectfully,

ORSON, PRATT, Sen., Speaker.

The following was received and read:

Representatives' Hall, City Hall,
Salt Lake City, Feb. 15, 1869.

Hon. Geo. A. Smith, President and Members of the Council:

Gentlemen:—The accompanying joint resolution exempting certain iron works from taxation, having been adopted by the House, is respectfully forwarded for the action of your Honorable body.

Very respectfully,

ORSON PRATT, Sen., Speaker.

Said resolution was read, and,

On motion of Councilor Benson, was referred to the committee on revenue.

The second reading of H. F. No. 13, "An Act defining the duties of poundkeepers, and for other purposes," was resumed, and,

On motion of Councilor Hyde, the bill was amended and laid on the table.

House memorial to Congress for an appropriation to defray the expenses of the Indian war in Utah Territory, was read, and,

On motion of Councilor Smoot, was amended and sent to the House for concurrence in the amendments.

Councilor Hyde, chairman of the committee on revenue, to

whom was referred joint resolution exempting certain iron works from taxation, reported the same back without amendment, and recommended concurrence therein.

On motion of Councilor Woodruff, the title was amended and the resolution concurred in as amended and was sent to the House for concurrence in the amendment.

Minutes called for, read and accepted.

On motion of Councilor Woodruff, Council adjourned till to-morrow at ten a.m.

Benediction by the Chaplain.

HOUSE.

REPRESENTATIVES' HALL, City Hall,
Salt Lake City, Feb. 15, 1869.

House met pursuant to adjournment.

Roll called. Quorum present.

Prayer by Mr. J. F. Smith.

Mr. Pace presented memorial to Congress for an appropriation to defray the expenses of the late Indian war in Utah Territory, which was read, and,

On motion of Mr. Wright, the memorial was referred to the committee on petitions and memorials.

Mr. Murdock presented financial report of Beaver county, which was read, and,

On motion of Mr. Hatch, said report was referred the committee on revenue and ordered spread on the minutes.

FINANCIAL REPORT OF BEAVER COUNTY.

1867.	Db.		Cr.	
June 3, by balance in favor of the county.....			$ 124	55
By Treasurer's receipts from fines.....			379	78
" " from county taxes.....			649	74
By balance due in county taxes.....			85	73
" " fines.....			56	80
To Assessor and Collector's per centage.....	$ 82	25		
To County Treasurer's per centage.....	95	41		
To county warrants.....	1194	23		
By balance to debit in new account.....			125	29
	$1371	89	$1371	89
June 1, 1868, to balance due per account rendered	$ 125	29		

WM. FOTHERINGHAM, County Clerk.

Minutes called for, read and accepted.

On motion of Mr. Rich, House took a recess till 2 p.m.

TWO P. M.

House resumed its session.

Roll called. Quorum present.

A message was received from the Council, announcing their concurrence in H. F. No. 30, "An Act to provide for a mechanics and laborers lien."

Mr. W. G. Smith moved that the committee on claims and appropriations be instructed to insert in the Territorial appropriation bill the sum of three thousand dollars, to assist in building a bridge across the Weber river at Morgan city in Morgan county, provided said county appropriate the like sum.

On motion of Mr. Thurber, the motion of Mr. W. G. Smith, was referred to the committee on roads, bridges, etc.

Mr. Thurber, chairman of committee on revenue, to whom was referred the petition of Ebnezer Hanks, praying to have the Territorial and county taxes remitted on certain iron works, reported that they had considered the subject and recommended the passage of the accompanying joint resolution.

Said joint resolution exempting certain iron works from taxation was read, and,

On motion of Mr. Rich, was adopted.

Mr. Hatch presented memorial to the Postmaster General, asking for an additional postal service in Summit and Wasatch Counties, which was read, and,

On motion of Mr. Wright, said memorial was referred to the committee on postal affairs.

Mr. Wright, of the committee on petitions and memorials, to whom was referred memorial to Congress asking for an appropriation to defray the expenses of the Indian war of 1865-6-7 in Utah Ter., reported that they had duly examined said memorial, and report the same back with amendments and recommend its adoption.

Said memorial to Congress was read as amended, and,

On motion of Mr. Snow, was adopted as amended.

Mr. Lyman, chairman of committee on library, presented reports of the Librarian, which was read, and,

On motion of Mr. S. S. Smith, said report was ordered spread on the minutes.

REPORT OF THE LIBRARIAN.

Salt Lake City, January, 1869.

To the Honorable, Committee of the
House of Representatives on Public Library:

Gentlemen:—I submit to your inspection the following list of books in and loaned out of the library during 1867 and 1868:

In the library, according to catalogue, - - - - -	2,833
Books loaned and not returned, for 1867 and 1868, -	172
Books received from the binder, with and without numbers, - - - - - - - -	112
	3,107
Books received since the printed catalogue, and now on the appendix or supplement, - - - - -	2,873
In catalogue, and appendix in whole, - - - - -	5,980
Received in 1867, Congressional Globes, - -	4 vols.
Census of the United States, - - - -	4 vols.
Documents: Finance, Surveying, Railroad, Military and Patent Office Reports, - - -	24 vols.

On Mining and Agriculture, - - - - 2 vols.
Received from Nevada State Legislature, - - 6 vols.
Received Diplomatic Correspondence for 1866 - 3 vols.
List of Postoffice, (unbound), - - - - 1 vol.
Coast Survey, - - - - - - 1 vol.
Nebraska's 1st, 2nd, and 3rd Sessions, Journals of (unbound), - - - - - 1 vol.
Internal Revenue, (unbound), - - - - 1 vol.
Paris Exposition, on the Production of Iron and Steel, - - - - - - 1 vol.

Received from the Hon. Secretary Higgins:
One set of "Annals of Congress," books and pamphlets on Governmental subjects, included in the above list, - - - - 150 vols.

The number of books on printed catalogue, - - - 8,005
Out of this nnumber upwards of 200 volumes are worn out, and missing on the catalogue.

In 1856 an inspection of the library was taken, and an appendix added to the catalogue of all the books, and numbered, according to the Supplement, which document was put into the Printer's possession, and was lost during the move of 1857, which accounts for numbers not in catalogue.

Our law library numbers, (including "Reports," "Laws of States," "Commentaries," "Digests" on "Statutes," "Chancery," etc. "On Evidence," "Acts of States," "Medical Jurisprudence," "Bailments," "Exchange," "Conveyencing," "Property," "Bank Claims," making total number of volumes on law), - - - 514

The expense of removing the library and fitting up the room, will be laid before your honorable committee for liquidation at your request.

This exposition and state of the library we submit to your honorable committee on public library, and

Remain, Yours to Command,
WILLIAM C. STAINES, Librarian.
JOHN LYON, Deputy.

To the Honorable the Committee on Public Library,
House of Representatives, Utah:

Gentlemen:—I have the honor to submit to your notice the following statement relating to the Public Library.

In compliance with the resolution of the Legislative Assembly, dated 21st Feb. 1868, the library has been removed to the City Hall.

To carry your resolution into effect a room was secured in that building at a rental of three hundred dollars ($300) per annum, one quarter of which has been paid as per bill No. 1, amounting to..... $ 75 00

Received from W. C. Staines, Esq., the sum of seventy-five dollars in Territorial scrip for rent of a room in the City Hall, for the Library, from September 1st, 1868, to November 30th, 1868.

PAUL A. SCHETTLER,
City Treasurer.

Salt Lake City, February 13th, 1869.

To prepare the room for the reception of books, expenses were incurred for lumber, shelving, etc., as per bill No. 2, $127 74.

Salt Lake City, Sept. 30, 1868.

Library to Folsom & Romney,

Sept. 30.	To 969 feet lumber at 60 per foot,.....	$ 59	14
"	To teaming.....	6	50
"	To labor on shelving and floor.....	59	50
"	To nails.....	2	60
		$127	74

Received payment, Folsom & Romney.

To painting shelves, etc., as per bill No. 3, $12 00.

Territorial Library, per W. C. Staines, Esq.,
In account with Wm. Pitt.

1868. Oct. 3. Painting shelves, etc., two coats..... $12 00

Received payment. W. Pitt,
per W. Clayton.

For stove pipe and fixing the same, as per bill No. 4, $6 50.

Territory of Utah
To Thos. Hawkins, Dr.

1868. Nov. 3d. Stove pipe and fixing it up..... $6 50

Received payment, T. Hawkins.

Salt Lake City, Feb. 13, 1869.

To expenses in removing library to City Hall, for stamping and arranging books, etc., as per bill No. 5, $177 00.

Territory of Utah Dr.
To. W. C. Staines.

To stamping and arranging Journals of Congress and public documents.....	$ 50	00
To hauling part of same.....	2	00
To removing Library, classifying and arranging the same	125	00
	$177	00

Received payment, W. C. Staines.

Salt Lake City, Feb. 12, 1869.

For assistance in removing Library from Council House to City Hall, as per bill No. 6, $25 00.

Salt Lake City, Sept. 31, 1869.

Received from W. C. Staines, Territorial Librarian, the sum of twenty-five dollars for assisting in the removal of books from the Council House to City Hall.

John Lyons,
per David O. Calder.

For teaming and removing Library as per bill No. 7, $24 00

Territory of Utah

To James Jack, Dr.

1868. Sept. To three days teaming, moving Library, @ $8 00 per day $24 00

Received payment, James Jack.

Salt Lake City, Feb. 12, 1869.

Making a total of $447 24.

With respect to the condition of the library, I have the honor to report that many valuable works pertaining to law, history, agriculture and science have been published since the purchases of the books, at present in the library were made, works which, if purchased and put into circulation, would give much important information. Upon examination, it is found that the following volumes are wanting to complete the statutes at large:—volumes 51-2, 53, 54, 55, 56, 57 and 58, 61, 62, 63, 65, 67, and 68; of the Journals of your Hon. House, the 2d, 5th, 6th, 7th, 8th and 9th; 11th, 12th, 13th, 14th and 16th are wanting. Of the Acts of the Legislature, the 1st, 4th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th and 16th are wanting. There are in the library the 2d, 3d and 5th sessions, and also an embodiment of the various acts, published in 1855 and also in 1866. The room now occupied as a library is not large enough to contain all the documents, executive reports, Journals of Congress, several hundred of which are placed in the upper part of this building. These are incomplete, some years are wanting, and in some instances there are several volumes of the same date. These books are never inquired for, so that there is no inconvenience to the public by this arrangement.

In order to select such works as are most needed for this Territory, you may deem it necessary to appoint a special committee to make selection from catalogues.

Hoping the above report may be satisfactory to your honorable committee.

I have the honor to be, gentlemen,
your obedient servant,
WM. C. STAINES,
Librarian, Utah Library.

City Hall, Feb. 15, 1869.

Mr. Pace, chairman of committee on counties, to whom was referred back, with instructions, C. F. No. 14, "An Act providing for the organization of Rio Virgen county, etc.," reported they had carefully examined the same and find that an act entitled "An Act to provide for the organization of new counties," approved Jan. 16, 1865, embodies all the additional details necessary for the complete organization of the same, and respectfully reported the same back with slight amendment and recommended the passage of the same.

Said bill, C. F. No. 14, "An Act providing for the organization of Rio Virgen county, and defining the boundaries thereof," was read as amended, the amendments were adopted and the bill read the second time by sections, and,

On motion of Mr. Lyman, was read the third time by its title.

The title was read, approved and the bill so passed.

Mr. Thurber presented memorial to the Postmaster-General, ask-

ing for extension of mail facilities from Provo to St. George, Which was read, and,

On motion of Mr. Wright, was referred to the committee on postal affairs.

Minutes called for, read and accepted.

On motion of Mr. Rich, House adjourned till ten a. m. to-morrow.

Benediction by Mr. Rich.

WEDNESDAY, FEBRUARY 16, 1869.

COUNCIL.

COUNCIL CHAMBER, City Hall,
Salt Lake City, Feb. 16, 1869, 10 o'clock a.m.

Council met pursuant to adjournment.
Roll called. Quorum present.
Prayer by the Chaplain.

The following communications were received:

Executive Office, Utah Territory,
Salt Lake City, Feb. 15, 1869.

Hon. George A. Smith, President of the Council:

Sir:—I have this day approved, signed and deposited in the office of the Secretary of the Territory the "Resolution for the relief of Wm. Morrison."

I have also received and forwarded to the Hon. Wm. H. Hooper, a "Memorial to Congress for an appropriation for a re-survey of the public lands of Utah," for presentation to the Honorable body to which he is a Delegate.

Very respectfully,
EDWIN HIGGINS,
Acting Governor.

House of Representatives, Feb. 13, 1869.

Hon. Geo. A. Smith, President and Members of the Council;

Gentlemen:—C. F. No. 14, "An Act providing for the organization of Rio Virgen county and defining the boundaries thereof," has passed the House as amended. Do you concur in the amendment?

Very respectfully,
ORSON PRATT, Sen., Speaker.

Said bill was read as amended and laid on the table to come up in its order.

Councilor Smoot presented petition of the Union Iron Company,

for adoption of a memorial to Congress for a grant of land, which was read, and,

On motion of Councilor Smoot, was referred to the committee on memorials.

Councilor Haight presented the following report:

Committee Room, Salt Lake City, Feb. 16, '69.

To the Honorable President and
Members of the Council:

Gentlemen:—Your committee on roads, bridges, etc., to whom was referred H. F. No. 28, "An Act dividing the Territory into road districts and defining the duties of road commissioners, and for the protection of the public thoroughfares," would beg leave to report adversely on the same.

H. C. HAIGHT,
in behalf of the Committee.

On motion of Councilor Benson, the report was accepted, and the committee discharged from further consideration of the subject.

C. F. No. 19, "An Act to punish for certain offenses therein named," was taken up on its second reading, and,

On motion of Councilor Smoot, passed its second reading, and,

On motion of Councilor Hyde, was read the third time by its title and so passed and sent to the House for concurrence.

The following communication was received and read:

House of Representatives,
Salt Lake City, Feb. 16, 1869.

Hon. Geo. A. Smith, President, and
Members of the Council:

Gentlemen:—The House concur in your amendments to memorial to Congress for appropriation to defray expense of Indian war; also, joint resolution exempting certain iron works from taxation.

Very respectfully,
ORSON PRATT, Sen., Speaker.

Councilor Harrington, chairman of the committee on judiciary, to whom was referred C. F. No. 12, "An Act to amend an act regulating the mode of procedure in criminal cases," approved Jan. 21, 1853, reported the same back and recommended its passage.

The bill was read and amended.

Councilor Harrington, chairman of the committee on judiciary, to whom was referred H. F. No. 18, "An Act supplementary to the act entitled an act regulating the mode of procedure in civil cases in the courts of the Territory of Utah," approved Dec. 30, 1852, reported the same back and recommended its passage.

The bill was read, and,

On motion of Councilor Hyde, was laid on the table to come up in its order.

The following message was received and read:

House of Representatives, Feb. 16, 1869.

Hon. Geo. A. Smith, President and Members of the Council:

Gentlemen:—The accompanying memorials have passed the House, and are respectfully forwarded for the action of your Honorable body.

The first is for increased mail service from Echo City in Summit county, to Provo City in Utah county.

The second is for increased mail facilities from Provo city in Utah county, to St. George in Washington county.

Yours, etc.,

ORSON PRATT, Sen., Speaker.

Memorials to Hon. A. W. Randall asking for the extension of mail services, were read, and,

On motion of Councilor Snow, were concurred in, and the House notified accordingly.

Council took recess till 2 p.m.

TWO P. M.

Council resumed its session.

The following was received and read:

House of Representatives, Feb. 16, 1869.

Hon. Geo. A. Smith, President and Members of the Council:

Gentlemen:—The accompanying, bill C. F. 19, has been concurred in and the title amended to read, "An act to provide punishment for certain offenses therein named."

Very respectfully,

ORSON PRATT, Sen., Speaker.

On motion of Councilor Smoot, the amendments were concurred in, and the House notified accordingly.

H. F. No. 13, "An act defining the duties of Poundkeepers, and for other purposes," was taken up on its third reading, and,

On motion of Councilor Harrington, passed its third reading, the title was amended, and the bill so concurred in, and the House notified accordingly.

Councilor Woodruff presented C. F. No. 21. "An act to amend an act in relation to marks and brands," approved Jan. 13, 1866, which was read, and,

On motion of Councilor Benson, passed its first reading, and,

On motion of Councilor Harrington, passed its second reading, and,

On motion of Councilor Smoot, passed its third reading by its title, and was so passed and sent to the House for concurrence.

Councilor Harrington, chairman of the committee on judiciary, to whom was referred C. F. No. 17, "An act amending an act concerning transfer of land claims, and other property," reported the bill back amended, and recommended its passage. The bill was read, and,

On motion of Councilor Smoot, passed its third reading, and was sent to the House for concurrence.

C. F, No. 8, "An act for the incorporation of benevolent, charitable, scientific or literary institutions," was taken up on its second reading, and,

On motion of Councilor Smoot, passed its second reading, and,

On motion of Councilor Harrington, was read the third time, by its title, and so passed, and sent to the House for concurrence.

H. F. No. 28, "An act dividing the Territory into Road Dist-

ricts, and defining the duties of Road Commissioners, and for the protection of the public thoroughfares," was taken up on its second reading, and,

On motion of Councilor Woodruff, was referred back to the committee on roads, bridges, etc.

C. F. No. 14, "An act providing for the organization of Rio Virgen county, and defining the boundaries thereof," was taken up as amended by the House, and,

On motion of Councilor Woodruff, the fourth section as added by the House, and House amendment to the title, were non-concurred in.

C. F. No. 20, "An act in relation to interest on money," substitute for H. F. No. 20, "An act in relation to interest on money," was taken up on its second reading, and,

On motion of Councilor Benson, passed its second reading, and,

On motion of Councilor Haight, it was read the third time by its title, and so passed, and the House notified accordingly.

H. F. No. 22, "An act for general incorporation for pecuniary profit," was taken up on its second reading, pending which,

Minutes called for, read and accepted.

Council adjourned till 10 a.m. to-morrow.

Benediction by the Chaplain.

HOUSE.

REPRESENTATIVES' HALL, City Hall
Salt Lake City, Feb. 16, 1869.

House met pursuant to adjournment.

Roll called. Quorum present.

Prayer by Mr. Thurber.

The following communication was received and read:

Executive Office, Utah,
Salt Lake City, Feb. 15, 1869.

Hon. Orson Pratt, Speaker of the House:

Sir:—I have this day approved, signed and deposited in the office of the Secretary of the Territory "An Act defining the duties of Territorial and County officers having the management and expenditure of public funds."

I have also received and forwarded to the Hon. Wm. H. Hooper, for the purpose of presentation to the Honorable body to which he is Delegate, the following Memorials:

"To amend an Act relating to town sites," and for "An appropriation to increase the Territorial library."

Very respectfully,
EDWIN HIGGINS, Acting Govenorr.

A message was received from the Council announcing their amendment to memorial to Congress for an appropriation to defray expenses of Indian war; also their amendment to title of joint resolution exempting certain iron works from taxation.

Said memorial and joint resolution were read as amended, and,

On motion of Mr. Rich, the amendments were adopted.

Mr. J. F. Smith presented financial report of Salt Lake county, which was read, and,

On motion of Mr. Pace, was referred to the committee on revenue and ordered spread on the minutes.

FINANCIAL REPORT OF SALT LAKE COUNTY.

Amount of taxes as per assessment	$22429 86	
Amount received on fines and forfeitures	707 50	
" " " rent of court house	305 00	
" " " licences to date	760 00	
Amount of taxes remitted		$ 1142 98
Amount of appropriations on roads & bridges of which $6742 25 was expended on Territorial roads		20365 64
Amount of criminal expenses		3976 60
Amouut of pauper accounts		241 00
Amount given Tenth Ward band		100 00
" for relief of E. D. Woolley, County Recorder		297 25
Amount for stationery, County and Probate seals, assessors, etc		134 90
Amount for fuel, lights, etc		532 63
" " services rendered by J. D. T. McAllister		30 00
Amount for printing and advertising to Deseret News		93 25
Amount for printing and advertising to Daily Telegraph		43 00
Amount for election expenses		101 00
Amount for assessing and collecting taxes, R. R. T. Burton		1250 00
Amount for county clerk for services		1500 00
Amount for E. Smith, services in County Court		780 00
Amount for J. M. Stewart, services in county Court		95 00
Amount for R. J. Golding, services in County Court		80 00
Amount for Reuben Miller, services in Co. Court		80 00
	$24201 36	$30843 25
		24201 36
Leaving the amount appropriated in excess of receipts, of which $4142 40 was paid for, from the revenue of the year 1867		6641 89
Making excess of expenditures over receipts of		2499 49

Mr. J. F. Smith presented report of Superintendent of Common Schools, with accompanying documents, which were read, and,

On motion of Mr. Rockwood, one thousand copies of said report with accompanying documents, were ordered printed in pamphlet form, each member and officer of the Legislative Assembly to be furnished with ten copies.

Mr. J. F. Smith, chairman of committee on education, to whom was referred "An Act for the establishment of a normal school," reported acompanying substitute bill, and recommended its passage.

Said substitute, H. F. No. 25, "An act for the establishment of a Normal School," was read the first time, and,

On motion of Mr. Lyman, said substitute was received and read the first time.

Mr. Seely moved that the committee on claims and appropriations be instructed to insert in the Territorial appropriation bill the sum of $2,000 00, for the purpose of assisting to construct a canal, by which to control the waters of the Sanpitch River, in Sanpete County. A preliminary survey having been made, by which it is ascertained that said canal will be required to be extended a distance of fourteen miles, with an average width of twenty feet at the top, and fourteen feet at the bottom, by four feet deep; said survey has demonstrated, beyond a doubt, the practicability of relieving an area of meadow and other lands, estimated at twenty thousand acres and upwards, of the superabundance of water, by which it is annually overflowed, to the great injury of the agricultural and other interests of the county. Said appropriation to be drawn by the Hon. Orson Hyde, at the time it may be determined to commence operations on said canal, and be expended under his directions.

On motion of Mr. Geo. Taylor, the motion of Mr. Seely was referred to the committee on irrigation and canals.

Mr. Rockwood presented the following report:

Your committee on roads, bridges, etc., to whom was referred the motion of Mr. Rich, praying for an appropriation of $202 56, it being the amount due for Territorial taxes for 1868, from Rich County, to be expended between Huntsville and Ithaca. Also, his motion for an appropriation of $500, to be laid out on the Weber Canon road, leading from Huntsville to Bear Lake Valley, respectfully recommend said sums to be inserted in the appropriation bill as contemplated in said motions.

On motion of Mr. Reese, the report was received and the committee on claims and appropriations instructed accordingly.

Mr. Hatch moved that five hundred dollars be appropriated out of the Territorial treasury, to assist Mr. Reis to manufacture china ware, &c., in this city, the same to be returned without interest after the expiration of three years.

On motion of Mr. Wright, the motion of Mr. Hatch was referred to the committee on trade, manufactures, etc.

Mr. Cluff presented the following report:

Your committee on postal affairs, to whom was referred a memorial to A. W. Randall, Postmaster-General, praying for increased postal facilities from Echo City, in Summit county to Provo City, Utah county.

Also, memorial to Postmaster-General, praying for increased postal facilities from Provo City to St. George, Washington county, beg leave to report back the same without amendments, and recommend their adoption.

On motion of Mr. Reese, said memorial to the Postmaster-General for increased postal facilities, from Echo City in Summit county, to Provo in Utah county, was read and adopted.

On motion of Mr. Snow, said memorial to the Postmaster-General for increased postal facilities from Provo City to St. George, in Washington county, was read and adopted.

A message was received from the Council, announcing their passage of C. F. No. 19, "An act to punish for certain offences therein named," and forwarding the same for the action of the House.

Said bill, C. F. No. 19, "An act to punish for certain offences therein named," was read the first time, and,

On motion of Mr. Cluff, said bill was read the second time by sections.

On motion of Mr. J. F. Smith, said bill was read the third time by its title.

The title was read, amended, and the bill so passed.

Mr. Rich, chairman of committee on claims and appropriations, reported the Territorial appropriation bill.

Minutes called for, read and accepted.

On motion of Mr. Pace, House took a recess till 2 p.m.

TWO P. M.

House resumed its session.

Roll called. Quorum present.

The Territorial appropriation bill was read the first time, and,

On motion of Mr. Rockwood, said bill was referred back to the committee on claims and appropriations with instructions.

Business in order.

H. F. No. 25, "An Act to provide for the establishment of a Normal school," was taken up on its second reading, was amended, and,

On motion of Mr. Wright, was read the third time by its title.

The title was read, amended, and the bill so passed.

The following message was received from the Council:

The Council has concurred in H. F. No. 13, "An Act defining the duties of poundkeepers and for other purposes," with amendments. Do you concur in the same? The Council concurs in your memorials to the Postmaster General. The Council has passed C. F. 17, "An Act amending an act concerning transfer of land claims and other property," approved Jan. 18, 1855, all of which are respectfully forwarded to your Honorable body.

Said bill, H. F. No. 13, "An Act defining the duties of poundkeepers and for other purposes," was read as amended, and,

On motion of Mr. Thurber, the House concurred in the Council amendments, also in the amendment changing the title to read, "An Act repealing an act regulating estray pounds and for other purposes," approved Jan. 17, 1866.

A communication from Erastus Snow, with accompanying bill from F. B. Woolley, in relation to expenditure of taxes in excess of appropriations on roads in Washington county, and asking the Legislative Assembly to authorize the Auditor of Public Accounts to give the assessor and collector of said county credit for amounts as per bill of F. B. Woolley.

On motion of Mr. Lyman, said communications were referred to the committee on claims and appropriations.

The following message from the Council was received and read:

The Council has passed C. F. No. 8, "An Act for the incorporation of benevolent, charitable, scientific or literary institutions," which is respectfully forwarded to your Honorable body for concurrence.

The Council concurs in your amendment to the title of C. F. No. 19, "An Act to punish for certain offenses therein named."

They also concur in section five of your amendments to C. F. No. 14, "An Act providing for the organization of Rio Virgen county, and defining the boundaries thereof," but not in section four, nor the amendment in the title. They have also passed C. F. No. 21, "An Act to amend an act in relation to marks and brands," all of which is respectfully forwarded for your action.

Said bill, C. F. No. 14, "An Act providing for the organization of Rio Virgen county, and defining the boundaries thereof," was read as amended by the Council, and,

On motion of Mr. Cluff, the House amendments to section four, and the title was receded from.

C. F. No. 17, "An Act amending an act concerning transfer of land claims and other property," approved Jan. 18, 1855, was read the first time, and,

On motion of Mr. S. S. Smith, said bill was read the second time and,

On motion of Mr. Wright, said bill was read the third time by its title.

The title was read, approved and the bill so passed.

C. F. No.8, "An Act for the incorporation of benevolent, charitable, scientific or literary institutions," was read the first time, and,

On motion of Mr. Rockwood, said bill was read the second time by sections, was amended, and,

On motion of Mr. Rowberry, said bill was read the third time by its title.

The title was read, approved and the bill so passed.

Minutes called for, read and accepted.

On motion of Mr. Snow, House adjourned till ten a.m. to-morrow.

Benediction by Mr. Rockwood.

———:o:———

WEDNESDAY. FEBRUARY 17, 1869.

———o———

COUNCIL.

COUNCIL CHAMBER, City Hall,
Salt Lake City, Feb. 17, 1869, 10 a.m.

Council met pursuant to adjournment.

Roll called. Quorum present.

Prayer by the Chaplain.

The following was received from the House:

House of Representatives, Feb. 16, 1869.

Hon. Geo. A. Smith, President and Members of the Council:

Gentlemen;—The House has passed H. F. No. 25, "An Act providing for the establishment of a normal school," and

C. F. No. 8, "An Act for the incorporation of benevolent, charitable, scientific or literary institutions."

The latter with slight amendments.

Very respectfully,

ORSON PRATT, Sen., Speaker.

C. F. No. 8, was read as amended, and the amendments were concurred in.

Councilor E. Snow presented petitition from citizens of Washington, in Washington county, praying for a city charter, which was read, and,

On motion or Councilor E. Snow, was referred to the committee on municipal corporations.

The following was presented by Councilor Hyde, and ordered to be spread on the minutes:

FINANCIAL REPORT OF SANPETE COUNTY.

To the Hon. the Legislative Assembly of the Territory of Utah now in Session:

Gentlemen:—Agreeable with the statute laws of Utah Territory, I have the honor to submit to you a report of the receipts and expenditures of Sanpete county from March 1st, 1868, till Feb. 1st, 1869.

Balance in Treasury March 1st, 1868	$ 325 54	
Paid into Treasury by assessor and collector on taxes collected for the years 1866-7-8	1873 18	
Paid into Treasury on fines	190 00	$2388 72

EXPENDED.

County office, stove and furniture	220 10	
Sheriff, Selectmen and Clerk	195 25	
Roads and bridges	130 55	
Public building	1463 45	
Elections	37 75	
Lunatics	132 55	
Sundry books for office	20 00	
Orders redeemed which were in circulation 1st March, 1868	158 70	
Balance in Treasury	30 37	
	$2388 72	$2388 72

Orders in circulation March 1st, 1868	$ 258 91
" issued since	2199 65
Total	$2458 56
Redeemed at Treasury	2358 35
Orders in circulation	$ 100 21

Delinquent taxes due by A. E. Merriam, Assessor and Collector for the years 1866-7-8, after deducting per centage, $960 90.

School fund in Treasury March 1st, 1868, $480 00, which has been expended by the Superintendent of Common Schools in purchasing maps, charts, books, etc., which have been distributed to the trustees of the school districts in the county for the use of common schools, as provided by the statute laws of Utah Territory.

All of which I respectfully submit.

WM. T. REID,
County Clerk.

H. F, No. 22, "An Act for general incorporation and for pecuniary profit," was taken up on its second reading by sections, pending which, the Council took a recess till two p.m.

TWO P. M.

The following were received and read:

House of Representatives, Feb. 17, 1869.

To the Honorable Council and House of Representatives of the Territory of Utah:

Gentlemen:—The House has passed H. F. No. 8, "An act providing for the incorporation of railroad companies, and the management of the affairs thereof," and respectfully forward the same for your action.

Very Respectfully,
ORSON PRATT, SEN., Speaker.

House of Representatives, Feb. 16, 1869.

Hon. Geo. A. Smith, President and Members of the Council:

Gentlemen:—The House have receded from their amendments to C. F. No. 14, "An act providing for the organization of Rio Virgin county, and defining the boundaries thereof,"

And have passed:

C. F. No. 17, "An act amending an act concerning transfers of land claims, and other property,"

And concurred in your amendments to—

H. F. No. 13, also in your amendments changing the title of the same to read, "An act repealing an act regulating estray pounds, and for other purposes," approved Jan. 17, 1867.

Very Respectfully,
ORSON PRATT, SEN., Speaker.

The second reading of H. F. No. 22, "An act for general incorporation for pecuniary profit," was resumed, and amende, and,

On motion of Councilor Callister, passed its second reading as amended, and,

On motion of Councilor Benson, passed its third reading by its title, and was sent to the House for their concurrence in the amendments.

The following was presented and read:

Representatives Hall, Feb. 17. 1869.

Hon. Geo. A. Smith, President,
And Members of the Council.

Gentlemen:—C. F. No. 21, "An act to amend an act in relation to marks and brands," has passed the House with slight amend-

ment, and is herewith returned for the action of your honorable body.

Very Respectfully,
ORSON PRATT, SEN., Speaker.

6½ P. M.

Council resumed it session.

The following communication was received and read:

House of Representatives, Feb. 17, 1869.

Hon. Orson Pratt, Sen., Speaker and Members of the House of Representatives:

Gentlemen:—The House have amended section three and added section four, to C. F. Fo. 3, "An act to amend an act prescribing the manner of assessing and collecting territorial and county taxes and for other purposes," and respectfully forward the same for your action thereon.

Very Respectfully,
ORSON PRATT, SEN., Speaker.

Councilor Haight presented the following, which was read:

To the President and members of the Council:

Gentlemen:—The committee on roads, bridges, etc., to whom was referred H. F. No. 28, "An act dividing the Territory into road districts, etc.," beg leave to report the same back amended, by striking out the first four sections and amending the fifth, also title of the bill, and recommend its passage as amended.

On motion of Councilor Woodruff, the report was accepted and the bill laid upon the table.

Councilor Harrington presented the following, which was read:

Mr. President and members of the Council:

Gentlemen:—The joint committee appointed to examine the Auditor's books and redeemed Auditor's warrants, have performed the duty enjoined upon them, and find all correct, and have caused the said warrants, amounting to $58,889 80, to be destroyed.

On motion of Councilor Smoot, the report was accepted.

Councilor Benson, on behalf of the committee on railroads, to whom was referred C. F. No. 11, "An Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto," reported the same back and recommended its passage.

The bill was taken up on its second reading, and,

On motion of Councilor Young, was laid upon the table.

H. F. No. 8, "An Act providing for the incorporation of railroad companies, and the management of the affairs thereof," was taken up on its first reading, and,

On motion of Councilor Young, passed its first reading.

Minutes called for, read and accepted.

On motion of Councilor Woodruff, Council adjourned till 10 a.m. to-morrow.

Benediction by President Smith.

HOUSE.

REPRESENTATIVES' HALL, City Hall,
Salt Lake City, Feb. 17, 1860.

House met pursuant to adjournment.
Roll called. Quorum present.
Prayer by the Chaplain.

Mr. Rich presented petition of A. H. Raleigh and 123 others, citizens of the 19th Ward, Salt Lake City, asking for an appropriation to improve the Territorial road running through said ward, which petition was read, and,

On motion of Mr. Evans, was referred to the committee on roads, bridges and ferries.

Mr. Thurber presented the following report:

Your committee on revenue, to whom was referred the financial reports of the several counties, beg leave to report back the same and recommend that one hundred copies be printed in pamphlet form, to be distributed by the Auditor of Public Accounts to the County Clerks, of the several counties, and City Recorders of the several cities in this Territory.

On motion of Mr. Rich, the report was accepted and one hundred copies of said financial reports ordered printed accordingly.

Mr. Rockwood, chairman of committee on roads, bridges, etc., to whom was referred the petition of James Low and 88 others, asking for an appropriation to assist in building a bridge across Beaver river, on the Territorial road, reported they had considered the subject and recommended the sum of seven hundred dollars to be inserted in the Territorial appropriation bill for that purpose; provided, Beaver county or the citizens thereof, complete the bridge in a good and workmanlike manner, said amount to be drawn and expended under the direction of the county court of Beaver county, setting forth that the work has been done or the material furnished.

On motion of Mr. Lyman, the report was accepted, and the committee on claims and appropriations instructed accordingly.

Said committee also reported they had considered the motion of Mr. W. G. Smith, and recommended that the sum of eight hundred dollars be inserted in the Territorial appropriation bill, to assist in building a bridge across the Weber river at Morgan city, in Morgan county, to be expended under the direction of the county court of said county, provided the county or citizens thereof, complete the bridge. Said amount to be drawn on the order of the county court, setting forth that the work had been done in a workmanlike manner, or material furnished.

On motion of Mr. W. R. Smith, the report was accepted, and the committee on claims and appropriations instructed accordingly.

Said committee also reported they had taken into consideration the motion of Mr. W. R. Smith, asking for an appropriation to be applied in repairing the Territorial road in Davis county, and recommend the sum of five hundred dollars inserted in the Territorial appropriation bill for that purpose, said amount to be expended under the direction of the Territorial Road Commissioner.

On motion of Mr. Evans, the report was accepted and the committee on claims and appropriations instructed accordingly.

On motion of Mr. Young, H. F. No. 8, "An act providing for the incorporation of railroad companies, and the management of the affairs thereof," was taken up on its second reading, was amended, and,

On motion of Mr. Lyman, said bill was read the third time by its title.

The title was read, approved, and the bill so passed.

Mr. Rich presented the following report:

Your committee on claims, to whom was referred the communication of Hon. Erastus Snow, in relation to labor performed on Washington county in excess of appropriation, respectfully recommend that the sum of $1419 41 be appropriated to cancel said indebtedness.

On motion of Mr. W. R. Smith, the report was accepted and the committee on claims and appropriations instructed accordingly.

Miuutes called for, read and accepted.

On motion of Mr. J. L. Smith, House took a recess till 2 p.m.

TWO P, M.

House resumed its session.

Roll called. Quorum present.

Mr. Rockwood presented the following report:

Your committee on roads, bridges, etc., have considered the motion of the Hon. Wm. Snow, asking for an appropriation to be expended on the road leading from St. George to Cedar City, and beg leave to report adversely to said motion.

Also the motion of the Hon. W. Murdock, asking for an appropriation to be expended on the road between Pine and Indian creek, and beg leave to report adversely to said motion.

We have also considered the petition of W. H. Dame and seventy eight others, asking for an appropriation to open a road to Pangwitch Lake, and beg leave to report adversely on said petition.

We have also considered the petition of A. H. Raleigh and others, of Salt Lake county, asking for an appropriation to be expended on the State road leading north from Salt Lake City, and report adversely to said petition.

On motion of Mr. Snow, the report was accepted and the committee discharged from the further consideration of the subject.

On motion of Mr. Rich, the committee on claims and appropriations were instructed to insert the sum of one thousand dollars in the Territorial appropriation bill, to be expended in improving the Territorial road leading south of Ogden plat, provided the citizens of Weber county expend a like amount.

Mr. Pace presented "An Act providing taxes on distilled spirits, and for other purposes," which was read, and,

On motion of Mr. J. F. Smith, said bill was referred to the committee on revenue with instructions.

C. F. No. 21, "An Act to amend an act in relation to marks and brands," was read the first time, and,

On motion of Mr. J. F. Smith, said bill was read the second time and amended, and,

On motion of Mr. Rich, said bill was read the third time by its title.

The title was read, approved, and the bill so passed.

Mr. Farr presented two additional sections as amendments to C. F. No. 3, "An Act to amend an act entitled an act prescribing the manner of assessing and collecting Territorial and county taxes, and for other purposes," approved Jan. 20, 1865, which amendments were read, and,

On motion of Mr. Rich, the amendments were adopted.

Mr. W. R. Smith presented "An Act to amend an act providing for the bridging of ditches or sects leading across the highways," which was read, and,

On motion of Mr. S. S. Smith, said bill was referred to the committee on judiciary.

Liberty was granted Mr. Z. Snow, who made a statement in regard to toll bridges across the Weber River, in Summit county, for which a grant was extended by the Legislative Assembly to H. S. Alexander.

On motion of Mr. Rich, the subject was referred to the committee on roads, bridges, etc., with instructions to report by bill or otherwise.

Mr. Rich, chairman of the committee on claims and appropriations, to whom was referred back the Territorial appropriation bill with instructions, reported the same back to the House amended, and recommended its passage.

Said Territorial appropriation was read the second time.

Minutes called for, read and accepted.

On motion of Mr. Hatch, House adjourned till 10 a.m. to-morrow.

Benediction by the Chaplain.

:o:

THURSDAY, FEBRUARY 18, 1869.

COUNCIL.

COUNCIL CHAMBER, City Hall,
Salt Lake City, Feb. 18, 1869.

Council met pursuant to adjournment.

Roll called. Quorum present.

Prayer by the Chaplain.

Councilor Harrington, chairman of the committee on judiciary, to whom was referred H. F. No. 15, "An Act supplementary to an

act entitled an act regulating the mode of procedure in civil cases in the courts of the Territory of Utah," approved Dec. 30, 1852, reported the same back amended and recommended its passage as amended.

The bill was taken up on its second reading as amended, and,

On motion of Councilor E. Snow, the amendments were adopted, and the bill passed its second reading, and,

On motion of Councilor Harrington, was read the third time by its title, and so passed and was sent to the House for concurrence in the amendments.

Councilor Harrington, chairman of the committee on judiciary, to whom was referred C. F. No. 12, "An Act to amend an act regulating the mode of procedure in criminal cases," approved Jan. 21, 1853, with amendments, and recommended its passage as amended.

The bill was read as amended, and,

On motion of Councilor E. Snow, passed its second reading as amended, and,

On motion of Councilor Harrington, passed its third reading by its title, and was sent to the House for concurrence in the amendments.

C. F. No. 8, "An Act for the incorporation of benevolent, charitable, scientific or literary institutions, was read as amended by the House, and,

On motion of Councilor Young, the amendments were concurred in.

H. F. No. 8, "An Act providing for the incorporation of railroad companies and the management of the affairs thereof," was taken up on its second reading by sections, pending the consideration whereof, the Council took a recess till two p.m.

TWO P. M.

Council resumed its session.

The following communications were received and read:

Representatives' Hall, City Hall,
Salt Lake City, Feb. 18, 1869.

Hon. Geo. A. Smith, President and Members of the Council:

Gentlemen:—The accompanying bill, "An Act of general incorporation for pecuniary profit," has passed the House as amended by the Council.

The House have further amended sec. 26 and 16 of said act.

Do you concur?

Very respectfully,
ORSON PRATT, Sen., Speaker.

Representatives' Hall, Feb. 18, 1869.

Hon. Geo. A. Smith, President, and
Members of the Council:

Gentlemen:—The House has passed H. F. No. 33, "An Act to provide for printing and distributing the Laws of the 16th, 17th and 18th Annual Sessions; also the Journals of the 18th Annual Session of the Legislative Assembly," and respectfully forward the same for your action thereon.

Very respectfully,
ORSON PRATT, Sen., Speaker.

House of Representatives,
Salt Lake City, Feb. 18, 1869.

Hon. Geo. A. Smith, President, and
Members of the Council:

Gentlemen:—The accompanying bill, H. F. No. 35, "An Act repealing an act authorizing H. S. Alexander to establish toll bridges across Weber river," has passed the House and is respectfully forwarded for the action of your Honorable body.

Very respectfully,
ORSON PRATT, Sen., Speaker.

H. F. No. 22, "An Act for general incorporation for pecuniary profit," was read as amended, and,

On motion of Councilor Smoot, the amendments were concurred in.

The second reading of H. F. No. 8 was resumed, and,

On motion of Councilor E. Snow, passed its second reading as amended, and,

On motion of Councilor Woodruff, passed its third reading by its title, and was sent to the House for concurrence in the amendments.

The following communications were received and read:

Executive Office, Utah Territory,
Salt Lake Lake City, Feb. 17, 1869.

Hon. George A. Smith, President of the Council:

Sir:—I have approved, signed and deposited in the office of the Secretary of the Territory, "An Act prescribing rules and regulations for the execution of the trust arising under an act of Congress entitled an act for the relief of the inhabitants of cities and towns upon the public lands," approved March 2d, 1867.

Very respectfully,
EDWIN HIGGINS, Acting Governor.

Executive Office, Utah Territory,
Salt Lake City, Feb. 18, 1869.

To the Hon. Geo. A. Smith, President of the Council:

Sir:—I have this day approved, signed and deposited in the office of the Secretary of the Territory, the following bills:

"An Act to amend an act in relation to marks and brands."

"An Act amending an act concerning transfers of land claims and other property,"

"An Act providing for the organization of Rio Virgen County and defining the boundaries thereof."

Very respectfully,
EDWIN HIGGINS, Acting Governor.

Representatives Hall,
Salt Lake City, Feb. 18, 1869.

Hon. George A. Smith, President, and
Members of the Council:

The "Territorial appropriation bill" has passed the House, and is respectfully forwarded for the action of your Honorable body.

The House do not concur in amendment to Sec. 3 of H. F. No. 18 "An Act supplementary to the act regulating the mode of procedure in civil cases," etc.

Very respectfully,
ORSON PRATT, Sen.,
Speaker.

Representatives' Hall,
Salt Lake City, Feb. 18, 1869.

Hon. Geo. A. Smith, President, and
Members of the Council:

Gentlemen:—The House have passed H. F. No. 21, "An Act providing rules for working mines, involving easements, drainage and other necessary developments," which is respectfully forwarded for your action.

Very respectfully,
ORSON PRATT, Sen., Speaker.

Representatives Hall,
Salt Lake City, Feb. 18, 1869.

Hon. Geo. A. Smith, President, and
Members of the Council:

Gentlemen:—The accompanying bill, H. F. No. 31, "An Act providing taxes on distilled spirits and for other purposes," has passed the House and is respectfully forwarded for your action.

Very respectfully,
ORSON PRATT, Sen., Speaker.

Representatives Hall,
Salt Lake City, Feb. 18, 1869.

Hon. Geo. A. Smith, President, and
Members of the Council;

Gentlemen:—You are respectfully requested to meet with the House in joint session to-morrow at 11 a.m.

Very respectfully,
ORSON PRATT, Sen., Speaker.

On motion of Councilor Benson, the Council concurred.

Council took recess till 7 p.m.

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7 P. M.

C. F. No. 3, "An Act to amend an act entitled an act prescribing the manner of assessing and collecting Territorial and County taxes, and for other purposes," approved Jan. 20, 1865.

On motion of Councilor Smith, the amendments were not concurred in, and the House notified accordingly.

H. F. No. 18, "An Act supplementary to the act regulating the mode of procedure in civil cases in the courts of the Territory of Utah," was taken up, and,

On motion of Councilor Smith, was referred back to the committee on judiciary.

H. F. No. 28, "An Act dividing the Territory into road districts, and defining the duties of road commissioners and for the protection of the public thoroughfares," was taken up on its second reading by sections as amended, and,

On motion of Councilor Woodruff, passed its second reading as amended, and,

On motion of Councilor Smoot, passed its third reading by its title, and was sent to the House for concurrence in the amendments.

H. F. No. 21, "An Act providing rules for the working of mines, involving easements, drainage and other developments," was taken up on its first reading, and,

On motion of Councilor Hyde, passed its first reading, and,

On motion of Councilor E. Snow, was referred to the committee on mineral resources.

Councilor Harrington moved that $500 be appropriated out of any money in the Treasury, not otherwise appropriated, to be drawn and expended by the President of the Deseret Agricultural and Manufacturing Society, for the encouragement of the propogation and culture of fish in this Territory.

Councilor Smoot, on behalf of the committee on elections presented the following:

The following are vacancies in Territorial officers to be elected in joint session,

Chancellor to Deseret University.
Three Regents to Deseret University.
Attorney General for the Territory.
Iron County, Probate Judge.
Millard County, Probate Judge.
Piute County, Probate Judge and one Notary Public.
Sevier County, Probate Judge and one Notary Public
Morgan County, Probate Judge and one Notary Public.
Weber County, Probate Judge and one Notary Public.

Councilor E. Snow moved that the sum of five hundred dollars be placed in the general appropriation bill, to be expended under the superintendence of Joseph W. Young, for locating and opening a road between St. Joseph and Panacca, in Washington County.

Carried.

Councilor Haight presented the following report:

Council Chamber, Salt Lake City, Feb. 18, 1869.

To the President and Members of the Legislative Council:

Gentlemen:—Your committee on roads, bridges, etc., to whom was referred the petition of J. G. Bigler and others, citizens of Nephi and Levan, in Juab county, asking the re-location of the Territorial road in Juab county, would ask leave to report back the same with the accompanying resolution, and would further recommend that three hundred dollars be appropriated for bridging the inlet of Mud Lake.

H. C. HAIGHT,
for the committee.

The following were received and read:

Hon. Geo. A. Smith, President, and
Members of the Council:

Representatives Hall,
Salt Lake City, Feb. 18, 1869.

Gentlemen:—The House concurs in your amendments to H. F. No. 8, "An Act providing for the incorporation of railroad companies and the management of the affairs thereof."

Very respectfully,
ORSON PRATT, Sen., Speaker.

Representatives Hall,
Salt Lake City, Feb. 18, 1869.

Hon. Geo. A. Smith, President, and
Members of the Council:

Gentlemen:—The House recedes from its amendments to C. F. No. 3, "An Act to amend an act entitled an act prescribing the manner of assessing and collecting Territorial and County taxes, and for other purposes," approved Jan. 20, 1865.

Very respectfully,
ORSON PRATT, Sen., Speaker.

The Territorial bill was taken up and read, and pending its consideration,

Council adjourned till 10 a.m. to-morrow.
Benediction.

HOUSE.

REPRESENTATIVES' HALL, City Hall,
Salt Lake City, Feb. 18, 1869.

House met pursuant to adjournment.
Roll called. Quorum present.
Prayer by Mr. S. H. B. Smith.

A message was received from the Council announcing that they had passed H. F. No. 22, "An Act for general incorporations for pecuniary profit," with amendments.

Said bill, "An Act for general incorporations for pecuniary profit," was read as amended, and,

On motion of Mr. Rich, said bill was referred to a special committee.

The Speaker appointed Messrs. J. F. Smith, Young and Rich said special committee.

The committee appointed to examine the Auditor's and Treasurer's books, reported that they attended to the duties assigned them and found that they were correct, and that they had destroyed redeemed warrants amounting to fifty-three thousand, eight hundred and eighty-nine dollars and eighty cents.

The following report from Mr. Lyman, was read:

Your committee on library, would respectfully represent that the sum of three hundred dollars will be necessary to defray the expenses of library room rent for the ensuing season, and therefore recommend that the sum of three hundred dollars be incorporated in the Territorial appropriation bill, to be drawn and expended by W. C. Staines, public librarian, to defray the expense of room rent for the public library.

On motion of W. R. Smith, the report was accepted and the committee on claims and appropriations instructed accordingly.

Mr. Rowberry, chairman of committee on mineral resources to whom was referred H. F. No. 21, "An Act providing rules for working mines involving easements, drainage and other necessary developments," reported said bill with amendments and recommended its passage.

Mr. Lyman presented the following:

Your committee on irrigation and canals, to whom was referred the motion of Mr. Seely, instructing the committee on claims and appropriations to insert in the Territorial appropriation bill the sum of $2,000 for the purpose of assisting to construct a canal by which to control the waters of the Sanpitch river in Sanpete county beg leave to report adversely thereon.

On motion of Mr. Reese, the report was adopted and the committee discharged from the further consideration of the subject.

Mr. Rowberry presented H. F. No. 33, "An Act to provide for printing and distributing the Laws of the Sixteenth, Seventeenth and Eighteenth annual sessions, also the Journals of Eighteenth annual session of the Legislative Assembly," which was read the first time, and,

On motion of Mr. Lyman, was read the second time, and,

On motion of Mr. Snow, was read the third time by its title.

The title was read, approved, and the bill so passed.

Minutes called for, read and accepted.

On motion of Mr. Thurber, House took a recess till 2 p.m.

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TWO P. M.

House resumed its session.

Roll called. Quorum present.

Mr. Rich moved that the following amounts be placed upon the Territorial appropriation bill:

Territory of Utah,

To Robert L. Campbell,
Territorial Superintendent of Common Schools.

Services for 1868	$600 00
For printing blanks and circulars for 1869	100 00
Stationery, telegrams, and postage for 1868	35 00
	$735 00

Seconded and carried.

Mr. Rockwood presented the following report:

Your committee on roads, bridges, etc., to whom was referred the subject of the Weber River bridges, in Summit county, and the act authorizing H. S. Alexander to collect toll thereon, approved Jan. 18, 1867, have taken the subject into consideration and by the evidence before us we find that at the time said act was passed that the citizens had an interest in said bridge by donations in labor, etc., for the erection of the same. We also find that one of the bridges was on the county road, and that the county held an exercised jurisdiction thereon. We further find that the County Court of Summit county entered in good faith into a negotiation with the present proprietors for the completion of said bridges, in consideration of which said proprietors were to collect toll thereon under certain conditions. Under the circumstances questions arose as to whose right it was to control said bridges; and H. S. Alexander petitioned the Legislative Assembly in 1867 for the right to collect toll on said bridges. From the evidence before us we are satisfied the Legislature never was apprised of the facts in the case, and the result has been that the questions and difficulty have continued to exist, and are getting

"no better fast." In view of the foregoing, and many others that might be mentioned, your committee are of the opinion that it would best subserve the interest of the community to repeal said act, and recommend the adoption of the accompanying bill.

Said bill, H. F. No. 35, "An act repealing an act entitled, An act granting to H. S. Alexander the right to establish toll bridge or bridges across the Weber River, in Summit county," was read the first time, and,

On motion of Mr. Snow, said bill was read the second time, and,

On motion of Mr. Rowberry, said bill was read the third time by its title.

The title was read, approved, and the bill so passed.

Mr. J. F. Smith presented the following report:

Your special committee, to whom was referred "An act for general incorporation for pecuniary profit," respectfully report that they have amended Sec. 17 of the same, and recommend its passage.

On motion of Mr. Snow, the report was adopted.

On motion of Mr. Rockwood, two hundred dollars was inserted in the Territorial appropriation bill, for services of superintendent of meteorological observations.

H. F. No. 21, "An Act providing rules for working mines involving easements, drainage and other necessary developments," was taken up as amended by the committee on its second reading, and,

On motion of Mr. Rowberry, said bill was read the third time by its title. The title was read, approved and the bill so passed.

The following messages were received and read:

Executive Office, Utah Territory,
Salt Lake City, Feb. 17, 1869.

SIR:—I have approved, signed and deposited in the Office of the Secretary of the Territory, the following Acts:

"An Act pertaining to damage done by animals and defining a lawful fence."

"An Act repealing an Act regulating Estray Pounds, and for other purposes," also a "Resolution exempting certain Iron Works from taxation."

I have also forwarded to Hon. Wm. H. Hooper, for presentation, two "Memorials to the Hon. A. W. Randall, Postmaster General.

Very respectfully,
EDWIN HIGGINS,
Acting Governor.

To the Hon. Orson Pratt, Speaker of the House.

Executive Office, Utah Territory,
Salt Lake City, Feb. 18, 1869.

SIR:—After due consideration, the Memorial to Congress for an appropriation of $1,121,037 38 to defray the expenses of the Indian War in Utah Territory during the years 1865, '66 and '67, is herewith returned to your Honorable body without my signature, to be disposed of as you may see proper. Although the amount asked to be appropriated may have been equalled by the damage sustained and cost incurred by the war in question, yet I am not conversant enough with the facts in the case to join with you in this memo-

rial. I am unable to find, from the records of the Executive Office that the calling out of the militia was ever authorized by the Governor of the Territory, or that their being employed in the Indian war was ever sanctioned in any official manner by him, or even that any representations were ever made to him to induce any action in the matter.

The Organic Act of the Territory gives the sole authority to the Governor to employ the Militia in needful cases, and I cannot consistently join in a memorial asking that the expenses of a body of men, who were called into the field by other authority, or who remained in the field without the official sanction of the Governor, be borne by General Government, however just the claim may otherwise be.

Very respectfully,
EDWIN HIGGINS,
Acting Governor.

To the Hon. Orson Pratt, Speaker of the House.

Executive Office, Utah Territory,
Salt Lake City, Feb. 18, 1869.

SIR:—I have approved, signed and deposited in the office of the Secretary of the Territory, "An Act to provide for a Mechanics' and Laborers' Lien."

The first section of this act, however, in giving to any person who performs any labor upon, or furnishes any material for the construction or repair of any building or other improvement, by virtue of any contract with the owner of such building or improvement, or the owner's agent, a lien upon such building or improvement, and (in the language of the section) "the right of possession of the ground upon which the same is situated," is, in my opinion, unconstitutional, in so far as it would operate, in cases where buildings or other improvements are contracted to be repaired or made by lessees upon property so held by them, to divest the lessors of their property without cause or compensation, and leaving them without redress.

But deeming that it is the intention of the act to only give a lien upon the interest which such lessees may have in the property leased to them, and not doubting but that the courts would give such a construction to the language of the act rather than render it inoperative by declaring it unconstitutional, I have approved it, inasmuch as the remaining sections of the act meet my approbation.

Very respectfully,
EDWIN HIGGINS,
Acting Governor.

To the Hon. Orson Pratt, Speaker of the House.

Mr. Thurber presented the following report:

Your committee on revenue, to whom was referred H. F. No. 31, "An Act providing taxes on distilled spirits, etc," respectfully report the same back with amendments and recommend its passage.

Said bill, H. F. No. 31, "An Act providing taxes on distilled spirits, etc., was read as amended by the committee, and,

On motion of Mr. Lyman, the amendments were adopted and the bill passed its second reading, and,

On motion of Mr. Rowberry, said bill was read the third time by its title.

The title was read, approved and the bill so passed.

The following was received and read:

Council has passed C. F. No. 12, "An Act to amend an act regulating the mode of procedure in criminal cases," approved Jan. 21, 1853, and the same is respectfully forwarded for the action of your Honorable body. The Council concurs in House amendments to C: F. No. 8, "An Act for the incorporation of benevolent, charitable, scientific or literary institutions."

The Council concurs in House amendments to H. F. No. 22, "An Act of general incorporations for pecuniary profit."

The Council do not concur in H. F. No. 11, "An Act in relation to interest on money," but have substituted C. F. No. 20, "An Act in relation to interest on money," which is forwarded for your action. The Council has passed H. F. No. 18, "An Act supplementary to the act regulating the mode of procedure in civil cases, etc., with amendments. Do you concur in the amendments?

On motion of Mr. Rich, further amendments to the Territorial appropriation bill were read, and,

On motion of Mr. Lyman, said bill was read the third time by its title, the title was approved and the bill so passed.

C. F. No. 12, "An Act to amend an act regulating the mode of procedure in criminal cases," approved Jan. 21, 1853, was read the first time, and,

On motion of Mr. Lyman, said bill was read the second time by sections, and pending the reading of the first section was referred to the committee on judiciary.

C. F. No. 20, "An Act in relation to interest on money," was read the first time, and,

On motion of Mr. Reese; said bill referred to the committee on judiciary.

H. F. No. 18, "An act supplementary to the act regulating the mode of procedure in civil cases, &c.," was read as amended by the Council, and,

On motion of Mr. Farr, the House non-concurred in Council amendments to section three.

Mr. Maughan presented the following report:

Your committee on elections would respectfully recommend that a joint session of both Houses be held at an early day, to elect the following officers, to wit:

1 Chancellor and 3 Regents of the University.
1 Attorney General.
1 Probate Judge, 1 Notary Public for Piute county.
1 Probate Judge, 1 Notary Public for Iron county.
1 Probate Judge, 1 Notary Public, for Sevier county.

On motion of Mr. Reese, the Council was requested to meet with the House in joint session to-morrow at 11 a. m., in Representatives' Hall.

Mr. Farr presented the following report:

Your committee on judiciary, to whom was referred H. F. No. 32, "An act to amend an act providing for bridging ditches or sects leading across the highway," ask leave respectfully to report that they deem legislation thereon unnecessary.

On motion of Mr. Thurber, the report was adopted and the committee discharged from the further consideration of the subject.

Minutes called for, read and accepted.

On motion of Mr. Wright, House took a recess till 7 p.m.

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7 P. M.

House resumed its session.

Roll called. Quorum present.

The Council were requested to meet with the House in joint session to-morrow at 11 a.m. in the Representatives Hall.

The following communication was received and read,

Adjutant General's Office,
Salt Lake City, Feb. 18, 1869.

Hon Legislative Assembly of Utah Territory:

Gentlemen:—Herewith I beg leave to present an account, showing disposition of appropriation made for the Adjutant General's Office, for the past year:

During the past year, owing to the continued kindness of your honorable body, I have been enabled to have the duties of this office more satisfactorily performed than heretofore, and the account of expenses for the suppression of Indian hostilities, for the years 1865-6-7, amounting to $1121,037 38 have been forwarded to the Hon. W. H. Hooper, delegate to Congress from this Territory, for presentation to the department.

As it is now necessary to keep this office open for the transaction of the current business, as well as to bring up the accounts for the year 1868, an appropriation of thirty-five hundred dollars is respectfully solicited.

Yours, Obediently,
DANIEL H. WELLS.
Lieutenant-General.

Salt Lake City, U. T., Dec. 31, 1868.

Lieutenant-General D. H. Wells,
In Acct. with Territorial Appropriation for Adjt. Gen.'s Office.

1868.	DR.	CR.
Jan. 1. By Bal. due Lt. Gen. D. H. Wells as per Acct. rend.....		$39 65
Dec. 31. By paid Jno. R. Winder for services as clerk in Adjt. Gen.'s Office.....		1200 00
Dec. 31. By paid Asst. Adjt. Gen. T. W. Ellerbeck, for services for Adjt. Gen. Office.....		400 00
Dec. 31. By rent of office one year.....		240 00
Dec 31. By fuel for office one year.....		50 00
Dec. 31. By paid expenses of Jno. R. Winder and H. Wells to and from Sanpete with pay rolls, &c.....		77 25
Dec. 31. By paid express charges on pkge. of accounts to Washington City, D. C....		23 00

Dec. 31. By paid Deseret News office for ruling blanks	$	2 50
Dec. 31. By paid for Copying Press		25 00
Dec. 31. To received appropriation for '68.	$2000 00	
Balance due Lt. Gen. D. H. Wells	57 40	
	$2057 40	$2057 40

1869.

Jan. 1. By balance due Lt. Gen. D. H. Wells $ 57 40

DANIEL H. WELLS,
Lieut. Gen. Militia, U. T.

T. W. ELLERBECK,
Asst. Adjutant General.

On motion of Mr. Farr, the sum of three thousand five hundred dollars was ordered inserted in the Territorial appropriation bill for the purposes above named.

Mr. Rich presented H. F. No. 36, "An act relating to fugitives from justice," which was read the first time, and,

On motion of Mr. Lyman, was read the second time, pending which,

On motion of Mr. Rockwood, said bill was referred to the committee on judiciary, with instructions.

The following message was received and read:

The Council has passed the accompanying bill, H. F. No. 8, "An act providing for the incorporation of railroad companies, and the management of the affairs thereof," with amendments. Do you concur?

Said bill, H. F. No. 8, "An act providing for the incorporation of railroad companies, and the management of the affairs thereof," was read as amended by the Council, and,

On motion of Mr. Cluff, the amendments of the Council to said bill were adopted.

The following message was received from the Council:

The Council do not concur in the House amendments to C. F. No. 3, "An act to amend an act entitled, An act prescribing the manner of assessing and collecting Territorial and county taxes, and for other purposes," approved Jan. 20, 1865. The Council has concurred in H. F. No. 28, "An act dividing the Territory into road districts and defining the duties of Road Commissioners, etc." Do you concur in the amendments?

On motion of Mr. S. S. Smith, the House receded from its amendments to C. F. No. 3, "An act to amend an act entitled, An act prescribing the manner of assessing and collecting Territorial and county taxes, and for other purposes," approved January 20, 1865.

H. F. No. 28, "An act dividing the Territory into road districts, and defining the duties of Road Commissioners, and for the protection of the public thoroughfares," which was read as amended, and,

On motion of Mr. Thurber, the Council amendments to said bill were concurred in.

Mr. Rockwood moved that the committee on library be instructed to bring in a bill further defining the duties of the librarian and

designating the place of deposit of the papers remaining on the table of the Secretary of the Council and Chief Clerk of the House. Seconded and carried.

Mr. Farr, chairman of committee on judiciary, to whom was referred C. F. No. 12, "An Act to amend an act regulating the mode of procedure in criminal cases," reported said bill back without amendments, and recommended its passage.

Said bill was read the second time by sections, and,

On motion of Mr. Thurber, said bill was read the third time by its title.

The title was read, approved, and the bill so passed.

Minutes called for, read and accepted.

On motion of Mr. Murdock, House adjourned till ten a.m. to-morrow.

Benediction by Mr. Snow.

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FRIDAY, FEBRUARY 19, 1869.

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COUNCIL.

COUNCIL CHAMBER, City Hall,
Salt Lake City, Feb. 19, 1869.

Council met pursuant to adjournment.

Roll called. Quorum present.

Prayer by the Chaplain.

Councilor Smoot presented petition of John B. Milner, for remittance of taxes, which was read, and,

On motion of Councilor Smoot, was referred to the committee on revenue.

Councilor Benson moved that five hundred dollars be placed in the general appropriation bill to assist Box Elder to repair the Box Elder Kanyon road.

The following was received and read:

Reprcsentatives Hall, Feb. 18, 1869.

Hon. Geo. A. Smith, President,

And Members of the Council.

Gentlemen:—The House concurs in your amendments to H. F. No. 20, "An Act dividing the Territory into road districts," etc. The House also concurs in your amendment to the title thereof, which now reads, "An Act for the protection of the public thoroughfares."

Very Respectfully,

ORSON PRATT, SEN., Speaker.

Councilor Harrington presented petition of James Clarke and 118 others, for an appropriation to build a bridge across Jordan south of the point of mountain, Utah county, which was read, and,

On motion of Councilor E. Snow, was referred to the committee on roads, bridges, etc.

JOINTS SESSION.

REPRESENTATIVES' HALL, City Hall,
Salt Lake City, Feb. 19, 1868.

According to previous agreement, the Assembly went into Joint Session.

The President of the Council presiding.

The roll of the Council was called by the Secretary of the Council. Quorum present.

The roll of the House was called by the Chief Clerk of the House. Quorum present.

Prayer by the Chaplain of the Council.

The President declared the Joint Session open and ready for the business before them, of electing the officers elective by the joint vote of the Aesembly.

Councilor Smoot presented resignation of Hon. Willard G. Smith, Probate Judge of Morgan county, which was read, and,

On motion of Councilor E. Snow, was accepted.

The President of the Council presented the resignation of the Hon. Thomas R. King, Probate Judge of Millard county, and,

On motion of Mr. Lyman, the resignation was accepted.

Mr. Farr presented the resignation of Hon. Aaron Farr, Probate Judge of Weber county, and,

On motion of Councilor Woodruff, the resignation was accepted.

The following officers, except Notaries Public, were elected to fill the unexpired terms:

On motion of Councilor L. Snow, Hon. Z. Snow was elected Attorney General.

On motion of Councilor Callister, Hon. Daniel H. Wells was elected Chancellor of the University of Deseret, in place of Hon. Albert Carrington, absent from the Territory.

On motion of Mr. Maughan, H. W. Naisbitt was elected a Regent of the University in place of Joseph W. Young.

On motion of Councilor Smoot, George Reynolds was elected a Regent of the University in place of T. B. H. Stenhouse, resigned.

On motion of Councilor Hyde, David McKenzie was elected a Regent of the University, in place of Wm. Eddington.

On motion of Councilor Callister, Edward Partridge was elected Probate Judge of Millard county.

On motion of Councilor Hyde, Silas S. Smith was elected Probate Judge of Iron county.

On motion of Councilor S. S. Smith, Daniel S. McFarlane was elected a Notary Public for Iron county.

On motion of Mr. Murdock, Joseph S. Wing was elected Probate Judge of Piute county.

On motion of Councilor Hyde, John L. Ivy was elected a Notary Public for Piute county.

On motion of Councilor Smoot, Jesse Haven was elected Probate Judge of Morgan county.

On motion of Mr. W. R. Smith, John Seaman was elected a Notary Public for Morgan county.

On motion of Councilor Smoot, Franklin D. Richards was elected Probate Judge of Weber county.

On motion of Councilor Benson, James McGaw was elected a Notary Public for Weber county.

On motion of Councilor E. Snow, Joseph W. Young was elected Probate Judge of Rio Virgen county.

On motion of Councilor E. Snow, Royal J. Cutler was elected a Notary Public for Rio Virgen county.

On motion of Councilor Benson, James Jack was elected a Notary Public for Salt Lake county.

Minutes were read and accepted.

On motion of Councilor Benson, the Joint Session dissolved.

Benediction by the Chaplain of the House.

On dissolution of the Joint Session, the Council resumed its session.

Councilor Harrington, chairman of the committee on judiciary, presented the following report:

The committee on judiciary, to whom was referred C. F. No. 18, entitled "An Act to provide more effectually for the preservation of the public peace and health," respectfully report adversely thereon, owing to the amount of unfinished business so late in the session.

L. E. HARRINGTON, Chairman.

Which was read, and,

On motion of Councilor Benson, was accepted, and the committee discharged from further consideration of the subject.

The following was presented and read:

Council Chamber, Salt Lake City, Feb. 18, 1869.

To the President and Members of the Legislative Council:

Gentlemen:—Your committee on roads, bridges, etc., to whom was referred substitute for H. F. 17, H. F. 26. "An Act further defining the duties of the Superintendent of the Salt Lake City and Wanship wagon road," would beg leave to report that the committee would recommend non-concurrence.

H. C. HAIGHT,
For the Committee.

On motion of Councilor Benson, the report was accepted, and the bill laid on the table.

The following was received and read:

Representatives Hall,
Salt Lake City, Feb. 18, 1869.

Hon. Geo. A. Smith, President, and
Members of the Council:

Gentlemen:—The House concurs in C. F. No. 12, "An Act to

amend an act regulating the mode of procedure in criminal cases," and herewith return the same for engrossing.

Very respectfully,

ORSON PRATT, Sen., Speaker.

Councilor Benson presented the following:

Committee Room, Feb. 18, 1869.

Hon. Geo. A. Smith, President, and
Members of the Council:

Gentlemen:—Your committee beg leave to make the following report:

We have taken into consideration the petition of Ebenezer Hanks and others, praying for this Honorable body to memorialize our national Congress for the Union Iron Company to enter ten thousand acres of land at ten cents per acre, in the vicinity of their iron works, and deem it inexpedient to legislate upon this subject.

E. T. BENSON,
Chairman on said Committee.

Which was read, and,

On motion of Councilor L. Snow, the report was accepted, and the committee released from further consideration of the subject.

The following was received and read:

Hon. Geo. A. Smith, President, and
Members of the Council;

Geutlemen:—Your committee to whom was referred the petition of J. T. Willes and others, praying for this honorable body to detach a portion of Washington county and attach the same to Kane county, also remove the county seat of Kane to Toker, we submit the following Act, and recommend its passage.

E. T. BENSON, Chairman.

On motion of Councilor Hyde, the report was accepted.

The following was read:

Hon. Geo. A. Smith, President, and
Members of the Council:

Gentlemen:—Your committee to whom was referred the petition of John B. Milner, ex-assessor and collector of Utah county, praying for the remittal of delinquent taxes of 1860-1-2-3, amounting to $343 16, beg leave to report favorably to the granting of the prayer of the petitioner.

ORSON HYDE,
Chairman of Committee on Revenue.

Feb. 19, 1869.

On motion of Councilor Smoot, the report was accepted.

Councilor Harrington, chairman of the committee on judiciary, to whom was referred H. F. No. 18, reported the same back, recommending the Council not to recede from their amendments.

On motion of Councilor Woodruff, the report was accepted, and the House notified accordingly.

Councilor Smoot presented the following report:

Hon. Geo. A. Smith, President, and
Members of the Council:

Your committee to whom was referred the petition of Hans Han-

son and 67 others, asking for a charter to incorporate the city of Washington in Washington county, would ask to report back the petition, and recommend that the prayer of the petitioners be not granted.

A. O. SMOOT,
Chairman on Municipal Corporations.

Which was read, and,

On motion of Councilor E. Snow, was laid on the table as unfinished business.

Councilor Hyde, chairman of the committee on revenue, to whom was referred H. F. No. 21, "An Act for working mines, involving easements, drainage and other developments," reported the same back with slight amendments.

The bill was read as amended, and,

On motion of Councilor Smoot, the report was accepted, and the bill laid on the table to come up in its order.

Council took recess till 2 p.m.

TWO P. M.

Council resumed its session.

The following communication was received and read:

Representatives' Hall, City Hall,
Salt Lake City, Feb. 18, 1869.

Hon. Geo. A. Smith, President and Members of the Council:

Gentlemen:—The House does not concur in the passage of C. F. No. 20, "An act in relation to interest on money," but has substituted H. F. No. 38, "An act to amend an act in relation to interest, approved Feb. 14, 1868." Both bills are forwarded, the latter for your action thereon.

Very respectfully,
ORSON PRATT, Sen., Speaker.

The bill was read, and,

On motion of Councilor Smoot, was not concurred in, and,

C. F. No. 23, "An act in relation to interest," was presented as a substitute, and passed its first, second and third readings, and was sent to the House for concurrence.

C. F. No. 22, "An act enlarging the boundaries of Kane county, and removing the county seat thereof," was read, and,

On motion of Councilor Woodruff, passed its first reading and was read the second time by sections, and,

On motion of Councilor Hyde, passed its second reading, and,

On motion of Councilor Smoot, passed its third reading by its title, and was sent to the House for concurrence.

A communication was received from the House, announcing their concurrence in C. F. No. 23, "An act in relation to interest."

The following was received and read:

House of Representatives, Feb. 18, 1869.

Hon. Geo. A. Smith, President and Members of the Council:

Gentlemen:—The accompanying bill, H. F. No. 37, "An act further defining the duties of the Librarian, Secretary of the Council, and Chief Clerk of the House," has been passed, and is respectfully forwarded for your action.

Very Respectfully,
ORSON PRATT, SEN., Speaker.

H. F. No. 37, "An act further defining the duties of the Librarian, Secretary of the Council, and Chief Clerk of the House," was read, and,

On motion of Councilor Woodruff, passed its first reading, and,

On motion of Councilor Young, passed its second reading, and,

On motion of Councilor L. Snow, passed its third reading by its title, and the House was notified accordingly.

H. F. No. 33, "An act to provide for printing and distributing the Laws and Journals of the Legislative Assembly," was taken up and passed its first, second and third readings, and the House was notified accordingly.

The following were received and read:

Representatives' Hall, Feb. 12, 1869.

Hon. Geo. A. Smith, President, and
Members of the Council:

Gentlemen:—The House recede from their non-concurrence in Council amendment to H. F. No. 18, "An act supplementary to H. F. No. 18, "An act supplementary to the act regulating the mode of procedure in civil cases, &c.,"

Very respectfully,

ORSON PRATT, Sen., Speaker.

House of Representatives, Feb. 16, 1869.

To the Honorable Council and House of
Representatives of the Territory of Utah:

Gentlemen:—The House has passed C. E. No. 22, "An act enlarging the boundaries of Kane County, and removing the county seat thereof."

Very respectfully,

ORSON PRATT, Sen., Speaker.

H. F. No. 26, "An act further defining the duties of the Superintendent of the Salt Lake City and Wanship Wagon Road," was taken up on its second reading and amended.

On motion of Councilor Young, passed its second reading, and,

On motion of Councilor Woodruff, was read the third time by its title, and so passed, and the House notified accordingly.

H. F. No. 35, "An act repealing an act entitled, an act granting to H. S. Alexander a right to establish a toll bridge or bridges across the Weber River in Summit county," was read, and,

On motion of Councilor Young, passed its first reading, and,

On motion of Councilor Harrington, passed its second reading, and,

On motion of Councilor Hyde, was read the third time by its title, and so passed, and the House notified accordingly.

H. F. No. 21, "An act providing rules for working mines, involving easements, drainage and other necessary developments," was taken up on its second reading as amended, and,

On motion of Councilor Harrington, was laid on the table.

H. F. No. 31, "An act providing taxes on distilled spirits, and for other purposes," was taken up on its first reading, and,

On motion of Councilor L. Snow, was laid on the table.

H. F. No. 25, "An act providing for the establishment of a Normal School," was taken up on its first reading, and,

On motion of Councilor Benson, passed its first reading, and,

On motion of Councilor Harrington, was referred to the committee on education.

Council took a recess till 7 p.m.

7 P. M.

Council resumed its session.

Councilor Harrington presented the following report:

Mr. President and Members of the Council:

Gentlemen:—The committee on judiciary, to whom was referred C. F. No. 10, "An Act to simplify and improve the law of evidence in civil cases," report the same back and respectfully recommend that it be placed upon the table as unfinished business.

L. E. HARRINGTON, Chairman.

Which was read, and,

On motion of Councilor Hyde, was accepted and the bill disposed of accordingly.

Councilor Harrington also presented the following report:

Mr. President and Members of the Council:

Gentlemen:—The committee on judiciary, to whom was referred C. F. No. 15, a bill for "An Act in relation to attachments and garnishments," respectfully represent that they have duly considered the bill, and consider it well entitled to legislative action, as making an important link in the chain of remedial actions, which the growing importance of our business relations render so necessary, but owing to its length and the lateness in the session, recommend that it lie on the table as unfinished business till the next session of the Legislative Assembly.

L. E. HARRINGTON, Chairman.

Which was read, and,

On motion of Councilor Woodruff, was accepted and the bill disposed of accordingly.

Mr. President and Members of the Council:

Gentlemen:—The committee on judiciary, to whom was referred C. F. No. 16, a bill for a "Homestead Act," respectfully report the same back, to lie upon the table as unfinished buisness, as time will not permit action upon the same during the present session.

L. E. HARRINGTON, Chairman.

Which was read, and,

On motion of Councilor Smoot, was accepted and the bill disposed of accordingly.

Councilor Harrington presented the following report:

Mr. President and Members of the Council:

Gentlemen:—The judiciary committee, to whom was referred C. F. No. 17, "An Act concerning judgments and executions," report the same back and respectfully recommend that it be placed upon the table as unfinished business, owing to the lateness in the session, as the committee consider that it contains provisions of importance.

L. E. HARRINGTON, Chairman.

Which was read, and,

On motion of Councilor Benson, was accepted and the bill disposed of accordingly.

Councilor L. Snow, on behalf of committee on roads, bridges,

etc., to whom was referred petition of James Clark, and 118 others, asking for an appropriation to build a bridge across Jordan south of the Point of Mountain, reported the same back and recommended it be laid on the table as unfinished business.

On motion of Councilor Smoot, the report was accepted and the petition disposed of accordingly.

Councilor Smoot, of the committee on judiciary, reported back the communication of Associate Justice Hoge, and recommended that it be laid on the table as unfinished business.

On motion of Councilor Harrington, the report was accepted and the communication disposed of accordingly.

Councilor Hyde moved that H. F. No. 21, "An Act providing rules for working mines involving easements, drainage and other developments," be again taken up and considered, but the motion was lost.

The Territorial appropriation bill was then taken up on its second reading, and,

On motion of Councilor Smoot, was referred to a special committee.

Councilors Joseph A. Young, L. Snow and A. O. Smoot were appointed said committee.

The following communication was received:

Executive Office, Utah,
Salt Lake City, Feb. 19, 1869.

Hon. Geo. A. Smith, President of the Council:

Sir:—An act, entitled "An Act to provide for the punishment of certain offences," is herewith returned disapproved.

The first section of this Act prescribes that "if two or more persons shall conspire or agree to commit certain offences," therein named, shall be imprisoned not exceeding one year, or fined to an amount not exceeding $500.

The laws of the Territory fully provide for the punishment of persons committing offenses, and the enactment of the above mentioned law cannot possibly tend to restrain, in a greater degree, the commission of crimes, as a person who does not fear the consequences of an unlawful act, will have no hesitation in conspiring for its commission.

In the case of public offences, Sec. 120 of an act, entitled "An Act in relation to crimes and punishment," approved March 6, 1852, provides that accessories, before the fact shall be deemed the same as principles, therefore rendering, in part, this act unnecessary.

The Act, however, becomes objectionable in another particular, inasmuch as it would tend to incite vexatious prosecutions, by providing punishment for persons falsely charging or indicting another for a public offense. As the result of this provision, upon the failure of any indictment, the person who had been indicted would have the power to prosecute the person who had charged him with crime, and failed to substantiate the same, however innocent the accuser may have been of any evil intention.

Section 2, of the Act provides for the punishment of any person "who shall assume to act in any office without lawful authority to do so."

Along the line of the Pacific Railroad, settlements will probably be made, which may remain without proper officers being appointed in their midst, for a time, (instances of which have already oc-

curred in the Territory). In such cases, the existence of a law providing that a single individual would commit an offense by attempting to act in the capacity of a civil officer, until the proper appointments could be made, would have a tendency to induce a mob to execute justice, rather than await the due course of proceeding.

Very respectfully,

EDWIN HIGGINS, Acting Governor.

C. F. No. 22, "An Act enlarging the boundaries of Kane County, and removing the county seat."

C. F. No. 3, "An Act to more clearly define the duties of assessors and collectors in certain cases."

C. F. No. 23, "An Act in relation to interest," and

C. F. No. 12, "An Act to amend an act regulating the mode of procedure in criminal cases, having been signed by the presiding officers of the Legislative Assembly, were forwarded to the Governor for Executive action thereon.

The following communications were received and read:

Executive Office, Utah Territory,
Salt Lake City, Feb. 19, 1869.

Hon. Geo. A. Smith, President of the Council:

Sir:—An act, entitled "An Act for the incorporation of benevolent, charitable, scientific or literary institutions," is herewith returned to your Honorable body, disapproved.

The act of Congress approved March 2d, 1867, restricting Legislatures of Territories from granting any special franchises or privileges, allow incorporation acts to be passed by them only for the incorporation of companies for mining, manufacturing and other industrial pursuits. Benevolent and charitable institutions being clearly of an elemosynary character, they cannot, in my opinion, be made the subject of a general incorporation act, under the law of Congress above mentioned.

Very respectfully,

EDWIN HIGGINS, Acting Governor.

House of Representatives, Feb. 19, 1869.

Hon. Geo. A. Smith, President and Members of the Council:

Gentlemen:—The House has nonconcurred in your amendments to H. F. No. 26, "An Act further defining the duties of the Superintendent of the Salt Lake City and Wanship Wagon road," and has appointed Messrs. J. Taylor and Rockwood a committee of conference on said bill.

Very respectfully,

ORSON PRATT, Sen., Speaker.

The President appointed Councilors L. Snow and Wilford Woodruff, a committee of conference on the part of the Council to consider H. F. No. 26, "An Act further defining the duties of the Superintendent of the Salt Lake City and Wanship wagon road," and the House was notified accordingly.

The following communications were received and read:

Executive Office, Utah Territory,
Salt Lake City, Feb. 19, 1869.

To the Hon. Geo. A. Smith, President of the Council:

Sir:—I have approved, signed and deposited in the office of the Secretary of the Territory, the following Acts:

"An Act to amend an act, entitled an act prescribing the manner of assessing and collecting Territorial and County taxes, and for other purposes," approved Jan. 20, 1865.

"An Act enlarging the boundaries of Kane County, and removing the county seat."

"An Act in relation to interest."

Very respectfully,
EDWIN HIGGINS, Acting Governor.

Executive Office, Utah Territory,
Salt Lake Lake City, Feb. 19, 1869.

Hon. George A. Smith, President of the Council:

Sir:—I have approved, signed and deposited in the office of the Secretary of the Territory, the following Act:

"An Act to amend an act regulating the mode of proceedure in criminal cases," approved Jan. 1853.

Very respectfully,
EDWIN HIGGINS, Acting Governor.

Representatives Hall,
Salt Lake City, Feb. 19, 1869.

Hon. George A. Smith, President, and
Members of the Council:

Gentlemen:—The joint committee of conference on the part of the House, have reported a substitute amendment in lieu of the Council amendment to section one of H. F. No. 26, "An Act further defining the duties of the Superintendent of the Salt Lake City and Wanship wagon road." The House has concurred in this amendment. Do you concur?

Very respectfully,
ORSON PRATT, Sen., Speaker.

Councilor Woodruff, in behalf of committee of Conference, reported that they had agreed with the House committee on an amendment to H. F. No. 26, "An Act further defining the duties of the Superintendent of the Salt Lake City and Wanship wagon road."

The amendment was read, and,

On motion of Councilor Smoot, was concurred in and the report accepted, and committee discharged.

Councilor Young, chairman of special committee, to which was referred the Territorial appropriation bill, reported the same back amended.

The bill was read as amended, and,

On motion of Councilor L. Snow, the bill passed its second reading, and,

On motion of Councilor Smoot, was read the third time by its title, and so passed, and sent to the House for concurrence in the amendments.

Councilor Woodruff, chairman of the committee on agriculture, trade and manufactures, presented C. F. No. 24, "An act amend-

ing an act granting to Henry S. Alexander the right to establish a toll bridge or bridges across the Weber River, in Summit county, approved Jan. 18, 1867, was read and amended, and,

On motion of Councilor E. Snow, passed its first reading, and,

On motion of Councilor Hyde, passed its second reading, and was laid on the table.

The following was received and read:

Representatives Hall,
Salt Lake City, Feb. 19, 1869.

Hon. Geo. A. Smith, President,
and Members of the Council.

Gentlemen:—The House does not concur in the certain amendments to the Territorial appropriation bill.

Very respectfully,
ORSON PRATT, Sen., Speaker.

Said amendments were reconsidered, but the Council refused to recede from them.

The following was received and read:

Representatives' Hall,
Salt Lake City, Feb. 19, 1869.

Hon. George A. Smith, President, and
Members of the Council:

Gentlemen:—The House have passed the accompanying bill, H. F. No. 40, "An Act amendatory of an act entitled an act granting to H. S. Alexander the right establish a toll bridge or bridges across the Weber river in Summit county," and is respectfully forwarded for the action of your honorable body.

Very respectfully,
ORSON PRATT, Sen., Speaker.

The bill was read, and,

On motion of Councilor Woodruff, passed its first reading, and,

On motion of Councilor Harrington, passed its second reading, and,

On motion of Councilor Young, was read the third time by its title, and so passed, and the House notified accordingly.

The following was received and read:

Representatives Hall,
Salt Lake City, Feb. 19, 1869.

Hon. George A. Smith, President, and
Members of the Council:

Gentlemen:—The House recede from their non-concurrence in amendments to Territorial appropriation bill, and have added the following items:

To Thaddeus E. Flemming, deputy sheriff of Utah county, for expenses in guarding and executing Chauncey Millard.

In the item to A. Gardner, they do not concur in the word "omitted."

Yours, etc.,
ORSON PRATT, Sen., Speaker.

Councilor E. Snow, chairman of the committee on education, to

whom was referred H. F. No. 55, "An Act providing for the establishment of a normal school," reported the same back and recommended that it be laid on the table as unfinished business.

On motion of Councilor Harrington, the report was accepted and the bill disposed of accordingly.

On motion of Councilor Harrington, a vote of thanks was tendered to President George A. Smith for the kind, dignified and gentlemanly manner in which he has discharged the duties of his office during the present session of the Legislative Assembly; also to Patrick Lynch and Charles W. Stayner, the Secretary and Assistant Secretary of the Council for the efficient and obliging manner in which they have performed the onerous duties of their offices.

Councilor E. Snow moved a vote of thanks to the Sergeant-at-arms, and other officers of the Council for the pleasant and attentive manner in which they have performed their duties.

Carried unanimously.

On motion of Councilor Smoot, a committee of two was appointed to wait on his Excellency the Governor, and inform him that the table is clear, and ascertain if he has any further communication to make to the Council.

The President appointed Councilors Smoot and Harrington said committee.

The House was notified that the table of the Council is clear.

Councilor Smoot, chairman of the committee appointed to wait on the Governor, reported that he had no further communication to make.

The following was received from the House:

House of Representatives,
Salt Lake City, Feb. 19, 1869.

Hon. Geo. A. Smith, President,
and Members of the Council.

Gentlemen:—The table of the House is clear of business.

Very respectfully,
ORSON PRATT, Sen., Speaker.

Minutes read and accepted.

On motion of Councilor L. Snow, the Council dissolved.

Benediction by the President of the Council.

HOUSE.

REPRESENTATIVES' HALL, City Hall,
Salt Lake City, Feb. 19, 1869.

House met pursuant to adjournment.

Roll called. Quorum present.

Prayer by the Chaplain.

Mr. Midgley presented petition of William Price and 21 others, citizens of Utah and Juab counties, asking for an appropriation for road purposes, which was read, and

On motion of Mr. Evans, said petition was referred to the committee on roads, bridges, etc.

Mr. Rockwood presented the following report:

To the Hon. the Legislative Assembly:

Gentlemen:—In pursuance of section 6 of "An Act granting to Alvin Nichols and William S. Godbe the right to establish a toll bridge across Bear River, in Box Elder county, etc." The following report is respectfully submitted for the years 1867 and 1868:

Total receipts for toll for 1867, per gate-keepers report	$3478 65
Total received for toll for year 1868 per gate-keeper's report	2162 64
Five per cent. of which, in accordance with section 6 above named, namely: for the year 1867,	173 94
For the year 1868	108 13

has been paid to the Territorial Treasurer as per accompanying receipts.

W. S. GODBE.

Salt Lake City, U. T. Feb. 18, 1869.

Committee Room, Feb. 19, 1869.

To the Hon. Speaker and Members of the House:

Gentlemen:—Your committee on roads, bridges, etc., to whom was referred the motion of Mr. Smith, instructing us to examine the statutes and financial reports of the several counties with a view of ascertaining if the parties collecting tolls on bridges or roads, have conformed to the provisions of the act under which they operate, have attended to the duties assigned us and beg leave to further report that an act granting unto Alvin Nichols and W. S. Godbe the right to establish a toll bridge across Bear River in Box Elder County, and a bridge across the Malad, approved Jan. 13, 1866, has not been complied with. We have opened correspondence with the parties; the result of our correspondence has brought out a report of the receipts to Jan. 1st, 1869, also the payment of the five per cent. required, said report is hereby submitted also the vouchers for the payment of the money, said report and payment, although behind the required time, nevertheless we recommend its acceptance.

We find that section seven, of an act incorporating the Weber Kanyon road company, has not been complied with in making the return, nor in paying the five per cent. required, into the Territorial Treasury, no satisfactory reason has been offered to us for the neglect. We also find several acts authorizing parties to establish toll roads and bridges, but for various causes, none of them have collected toll thereon for the past season, neither do the parties design operating under the provisions of their respective acts, hence no report has been made, nor funds paid into the Territorial Treasury.

Respectfully, A. P. ROCKWOOD, Chairman.

On motion of Mr. W. R. Smith, the report was adopted and the committee discharged from the further consideration of the subject.

The following message from the Council was read:

Council Chamber, Feb. 18, 1869.

Hon. Orson Pratt and members of the House.

Gentlemen:—The Council concurs in your proposition to meet in Joint Session to-morrow morning at eleven o'clock.

Very respectfully,

GEO. A. SMITH, President of the Council.

House went into Joint Session.

On dissolution of Joint Session the House resumed its sitting. Mr. Lyman presented the following report:

Committee Room, Feb. 19, 1869.

Mr. Speaker and Gentlemen of the House of Representatives:

Your committee on library, who was instructed by motion of Mr. Rockwood to bring in a bill further defining the duties of the Librarian, etc., have considered the subject and beg leave to report the accompanying bill, and recommend its passage.

Very respectfully,

F. M. LYMAN, Chairman.

Said bill, H. F. No. 37, "An Act further defining the duties of the Librarian, Secretary of the Council and the Chief Clerk of the House," was read the first time, and,

On motion of Mr. Cluff, said bill was read the second time by sections, was amended, and,

On motion of Mr. Lyman, said bill was read the third time by its title.

The title was read, approved and the bill so passed.

Mr. Farr presented the following report:

Committee Room, Feb. 19, 1869.

Mr. Speaker and Members of the House:

Gentlemen:—Your committee on judiciary, to whom was refered C. F. No. 20, "An Act in relation to interest on money," have considered said act and recommend that the House do not concur in the passage thereof, but respectfully ask leave to report the accompanying substitute bill for "An Act to amend an act in relation to interest," approved Feb. 14, 1868, and recommend its passage.

Very respectfully,

LORIN FARR, Chairman.

Said substitute bill, H. F. No 38, "An Act to amend an act in relation to interest," approved Feb. 14, 1868, was read the first time, and,

On motion of Mr. Wright, said bill was read the second time, and,

On motion of Mr. Farr, said bill was read the third time by its title, The title was read, approved, and the bill so passed.

Minutes called for, read and accepted.

On motion of Mr. Evans, House took a recess till two p.m.

TWO P. M.

House met pursuant to adjournment.

Roll called. Quorum present.

Prayer by the Chaplain.

The following message was received from the Council:

Council Chamber,
Feby. 19, 1869.

Hon. Orson Pratt, Sen., Speaker, and
Members of the House.

Gentlemen:—The Council do not recede from their amendments to H. F. No. 18, "An act supplementary to the act regulating the

mode of procedure in civil cases in the courts of the Territory of Utah, approved Jan. 30, 1852."

Very Respectfully,

GEO. A. SMITH,
President of the Council.

On motion of Mr. Snow, the House concurred in Council amendments to said bill, H. F. No. 18, "An act supplementary to the act regulating the mode of procedure in civil cases in the Territory of Utah, approved Jan. 30, 1852."

Mr. Snow presented H. F. No. 39, "An act amending an act apportioning the representation of Utah Territory," which was read the first time, and,

On motion of Mr. Lyman, said bill was referred to the committee on unfinished business.

The following message was received from the Council:

Council Chamber,
February 19, 1869.

Hon. Orson Pratt, Sen., Speaker, and
Members of the House.

Gentlemen:—The Council do not concur in your substitute to C. F. No. 20, "An act in relation to interest on money," and have passed as a substitute C. F. No. 23, "An act in relation to interest," which is respectfully forwarded to your honorable body.

Very Respectfully,

GEO. A. SMITH,
President of the Council.

Said substitute bill, C. F. No. 23, "An act in relation to interest," was read the first time, and,

On motion of Mr. Reese, said bill was read the second time, and

On motion of Mr. Lyman, said bill was read the third time by its title.

The title was read, approved, and the bill so passed.

The following message from the Council was received and read:

Council Chamber,
Salt Lake City, Feb. 19, 1869.

Hon. Orson Pratt, Sen., Speaker, and
Members of the House.

Gentlemen:—The Council has passed C. F. No. 22, "An act enlarging the boundaries of Kane county, and removing the county seat thereof," also concur in H. F. No. 37, "An act further defining the duties of the Librarian, Secretary of the Council, and chief clerk of the House."

Very Respectfully,

GEO. A. SMITH,
President of the Council.

Said bill, C. F. No. 22, "An act enlarging the boundaries of Kane county, and removing the county seat thereof," was read the first time, and,

On motion of Mr. Pace, said bill was read the second time, and,

On motion of Mr. Rich, said bill was read the third time by its title.

The title was read, approved, and the bill so passed.

Mr. Farr presented the following report:

Committee Room, Feb. 19, 1869.

Mr. Speaker, and members of the House:

Gentlemen:—Your committee on judiciary, to whom was referred H. F. No. 36, "An act relating to fugitives from justice," would respectfully ask leave to report back said bill amended as follows:

Strike out of the first section all after the word "Utah" in the second line; also, strike out section 2, and that sec 3 and 4 be numbered accordingly, and that section three of said bill be amended by inserting the word "official" between the words "received" in the second line and "information" in the third line. Also, insert the words "fled from justice" after the word "has" in the fourth line of the same section, and strike out the words "committed treason, felony, or other crimes," also strike out the word "such" in the ninth line. LORIN FARR, Chairman.

Said bill, H. F. No. 36, "An act relating to fugitives from justice," was read as amended, and the amendments thereto were adopted, and,

On motion of Mr. Reese, said bill was referred to the committee on unfinished business.

The following message was received:

Council Chamber,
Salt Lake City, Feb. 19, 1869.

Hon. Orson Pratt, Sen., Speaker, and
Members of the House.

Gentlemen:—The Council concurs in H. F. No. 35, "An act repealing an act authorizing H. S. Alexander to establish a toll bridge or bridges across Weber River."

Very Respectfully,
GEO. A. SMITH,
President of the Council.

The following message was received:

Council Chamber, Salt Lake City, Feb. 19, 1869.

Hon. Orson Pratt, Sen., Speaker, and
Members of the House.

Gentlemen:—The Council concur in H. F. No. 33, "An act to provide for the printing and distributing the laws and journals of the Legislative Assembly," and has passed H. F. No. 26, "An act further defining the duties of the Superintendent of the Salt Lake City and Wanship wagon road, with amendments." Do you concur? The bills are respectfully forwarded.

GEO. A. SMITH, President of the Council.

Said bill, H. F. No. 26, "An act further defining the duties of the Superintendent of the Salt Lake City and Wanship Wagon Road," was read as amended, and,

On motion of Mr. John Taylor, the amendments of the Council to said bill were non-curred in, and a committee of conference requested on said bill.

The Speaker appointed Messrs. John Taylor and Rockwood said committee of conference on the part of the House.

Minutes called for, read and accepted.

On motion of Mr. J. F. Smith, House took a recess till 7 p.m.

7 P. M.

House resumed its session.
Roll called. Quorum present.

The following is the report of the Territorial Superintendent of Common Schools:

SUPERINTENDENT'S OFFICE,
Salt Lake City, U, T., Feb. 16, 1869.

To the Honorable the Legislative Assembly of Utah Territory.

Gentlemen:—In making his annual report to your honorable body, the Superintendent of Schools takes occasion to present such features and make such suggestions as during the past year have come under his notice and been presented to his mind, in relation to the educational interests of the Territory.

STATISTICS.

The collection of school returns, which hitherto has been attended with much difficulty, has this season been almost impossible, in consequence of the absence of so many of the Trustees, who have been engaged directly or indirectly in the construction of the great national railroad. Returns have, however, at a very late date, been obtained, which, in several counties, are incomplete. From Summit County there is no report whatever. The importance, however, of obtaining and forwarding reports punctually, must not be forgotten, as it forms a valuable feature in connection with our school interests, and one which has not been overlooked by your honorable body:

VISITING SCHOOLS—MORAL TRAINING ENCOURAGED.

The Superintendent has taken much pleasure in visiting and inspecting the schools in most of the leading counties of the Territory. While on these visits he has enjoyed many opportunities of advising with County Superintendents and Trustees in relation to their respective sectional school interests, and is happy to note that unanimity generally characterize the efforts of the school authorities. He has also enjoyed many opportunities of introducing and canvassing the subject of education before the people, and feels conscious that his feeble efforts in that direction will bring forth fruit which will be productive of good to our school interests. The morality and manners of the pupils have not been forgotten. These have been placed in the foreground as, in many instances, he found that little interest had been manifested by school teachers in relation thereto, and where these are neglected the educational picture must be defective. To educate the intellect and to neglect the heart would be to introduce a state of things to be deplored rather than to be admired. The school teacher who does not appreciate the importance of moral training, and pays little or no attention to the subject in his school, fails to produce that good to the commonwealth for which his position in life so eminently qualifies him. On the other hand, the teacher who makes this one of his specialities, will have occasion in after life to feel the truth of that scriptural passage: "Whatever ye sow that ye shall reap."

When the plastic nature of the infant mind is taken into con

sideration, who can estimate the amount of good a few words spoken on appropriate occasions may do, in admonishing the youth and forewarning them of those snares in life to which all are subject? Mathematics furnish no rule by which it can be estimated, nevertheless the immutable law of ethics can be implicitly relied on, that the good we do to others shall return to us.

NORMAL SCHOOL.

The Superintendent urges upon the Legislative Assembly the importance of establishing and maintaining a Normal School, in which the youth of the Territory can be qualified for acting in the important sphere of school teacher. There is not anything connected with the educational interests of the Territory which demands attention more than this. The universal interrogatory by School Trustees from every part of the Territory, who are attending to their duties, is: can you send us a qualified teacher? Were there a provision in the School Code requiring a per centage from the money realized from the sale of estrays in each county, to be applied towards the maintenance of such a school, the same might be established forthwith. There should be some statute regulations pertaining to the government of such school. The inauguration of the same would involve a considerable amount of means in the procuring of a lot and the erection of a suitable building and school furniture. This school, and the furniture connected therewith, should be a model, and its Professors and Teachers of superior ability.

The establishment of such a school by law, under such liberal regulations as would enable the diligent student (whose parents might be unable to afford him the opportunity of prosecuting his studies), to qualify himself for the duties of teacher is, in the opinion of your humble servant, the best step that could be taken by your honorable body to promote educational interests.

FREE SCHOOLS.

The subject of free schools has been recommended by the acting Governor and many influential citizens. In a few of the counties this desirable status in relation to schools might be attained by the assessment of a very high tax; but legislators from other counties represent that it would involve the assessment of such a heavy tax as but few of their constituents would be willing to pay.

It is to be hoped that, soon, Utah will emerge from Territorial dependency into the full enjoyment of her rights as a State, when the lands appropriated by the general government will be accorded to her citizens, and a fund realized, from which free schools can be sustained in the midst of the inhabitants of these mountains, who penetrated the Great American Desert and reclaimed it from the barrenness and sterility of nature, and rendered it the desirable abode of civilization.

ENGLISH ORTHOGRAPHY.

When the child goes to school it commences with the letters of the alphabet and builds these into words; when further advanced it spells and defines the important words in its lesson; soon a spelling book is in its possession, and when sufficient progress is made, a grammar is used as a text book, the first part of which treats of Orthography. It may therefore truthfully be asserted that the

subject of orthography underlies an English education. To affirm that the orthography of our language is defective, contradictory and absurd, is to reiterate a truism admitted by the best English scholars.

In this century, to go less further back, societies have been formed in England as well as in America, for the avowed purpose of correcting the orthography of our language, many new alphabets have been invented and published to the world. The phonetic alphabet, invented by Mr. Isaac Pittman, of Bath, England, has enlisted the most disciples, and is an accredited reform of the age; though its friends are but few, and the circle of its operations limited, when compared with the millions that speak the English tongue, the extent which it is spread over the world, and the learning and means of those who use it as a vehicle of communication.

The inhabitants of these mountains are pre-eminent for reform. They hail every invention and discovery as a blessing from Heaven to man, and fail not to acknowledge the Source whence all blessings emanate.

When Pittman's system of phonetics was introduced in Illinois by Mr. Geo. D. Watt, in the year 1845, the leading men of this community immediately adopted it, and the same has been taught in almost every nook and corner of these mountain settlements.

It has been asserted that English orthography is defective; wherein will be readily observed, when it is remembered that there are only twenty-six letters in the alphabet, to represent the forty elementary sounds, philologists affirm, there are heard in speaking the English tongue. To supply this defect it becomes necessary that some letters represent more than one sound; and letters are combined to represent sounds for which there are no single representatives. For instance: In Appleton's new American Encyclopedia, it is asserted that the letter a "represents at least seven distinct simple sounds of the voice" which "are heard in the words mate, mat, mare, mart, ball, many, what. Other distinct sounds are denoted by this letter when used in proper names, a remarkable instance of which is the famous street in London, spelled Pall Mall, which is pronounced Pell Mell. The letter a is also frequently coupled with other letters to represent the same simple elementary sound that it does when standing alone—as in the words maid, pear and straight. It is often found united with other letters, also, when it represents no sound at all, or has, in fact, lost its local value entirely, as in the words boat, beat and beauty. In proper names the use of a in combination with other vowel letters is sometimes quite ludicrous; as in the distinguished English name spelt Beauchamp, and pronounced Beecham. The primary sound of the letter a (as in mate) is also represented in thirty-three different ways, by combinations of nine other letters. These various uses of this letter, together with other similar incongruities, tend to render the acquisition of the English language very difficult to foreigners."

Dr. Worcester affirms that the vowels e and i have five sounds each, o and u six sounds each, and y four sounds.

"In the common Romanic alphabet, says Pitman, the child is taught to call the letter O OWE, as in so, and it innocently supposes this pretty oval mark "O" to be called OWE, as invariably as this mark "8" is called EIGHT. The teacher presents the little word TO to the notice of the pupil; but the instruction of yesterday must be contradicted to-day, as O is no longer OWE but OO. This is an anomaly

which the child may perceive, but which the teacher can neither explain nor remove. The difficulty, however, is mastered—the fact that TO is not TOE but TOO is committed to memory—it is not understood, and the teacher proceeds. N-o-t may be the next word; but will the knowledge that has been imparted enable the child to decipher this simple word? The teacher must now explain, if he can, that O is neither OWE nor OO, but short AW, and that the word is pronounced NOT. The child, if he be an intelligent one, will not fail to wonder at being taught one day that which proves to be untrue the next. The next word may be l-o-v-e; again the letter O occurs; but will either of the three names by which it has been called, enable the child to pronounce this word? No! The teacher must begin anew, deny all he has said respecting this letter, and inform his little charge that this word must be pronounced as if spelled l-u-v. Proceeding further it is discovered that O has another sound, as in WOMEN, and still another, as in WOLF, WOMAN, etc.

"These anomalies and contradictions, which belong more or less to every letter of the alphabet, do greater violence to the moral perceptions of the child than is commonly imagined. The Persians said, the first thing to teach a child is to speak the truth; the first thing we teach children seems to be not unlike a mass of literal falsehoods."

But here the absurdities of English orthography do not end, for there is not only a multitude of sounds for the same sign, but the same sound has a multitude of signs as is very clearly shown in the list of dipthongs, digraphs, trigraphs, double consonants and substitutes published in Harvey's English Grammar: *

* A dipthong consists of two vowels sounded together in the same syllable. There are two dipthongal sounds, represented by four dipthongs, viz.: *ou, ow, oi, oy*, as in *foul, now, boil, cloy*.

A digraph consists of two vowel letters written together in the same syllable, one only being pronounced, or both representing a single elementary sound.

There are twenty-four digraphs, viz.: *aa*, Canaan; *ai*, gain; *ao*, gaol; *au*, maul; *aw*, maw; *ay*, may; *ea*, meat; *ee*, need; *ei*, ceiling; *eo*, people; *eu*, feud; *ew*, new; *ey*, they; *ie*, lief; *oa*, coal; *oe*, foe; *oi*, avoirdupois; *oo*, moon; *ou*, tour; *ow*, flow; *ua*, guard; *ue*, sue; *ui*, guise; *uy*, buy.

A trigraph consists of three vowel letters written together in the same syllable, one only being pronounced, or the three together representing a single vowel sound, or dipthong.

There are seven trigraphs, viz: *aye*, aye; *awe*, awe; *eau*, beau, beauty; *eou*, gorgeous; *eye*, eye; *ieu*, lieu; *iew*, view;

In such words as *Christian, alien, union*, *i* does not form a digraph with the following vowel, but is a substitute for *y*. In the unaccented termination *cean, cial tion, tion*, the combinations *ce, ci, ti, t*, are substitutes for *sh*.

In such words as *herbaceous, gracious, precious*, *e* and *i* do not form trigraphs with the following vowels, but the combinations *ce, ci* are substitutes for *sh*.

Double consonants consist of two consonant letters written together in the same syllable, representing a single elementary sound.

They are *ch*, chord; *gh*, laugh; *ph*, physic; *sh*, hush; *th*, thin, this, *wh*, when *ng*, sing.

A substitute represents a sound usually represented by another letter or combination of letters.

A *long* has four substitutes: *a*, fate; *ei*, feint; *ey*, they; *ao*, gaol.
A *middle* has two substitutes: *e*, there; *ei*, heir.
A *broad* has two substitutes: *o*, cord; *ou* sought.
E *long* has three substitutes: *i*, marine; *ie*, fiend; *ay*, quay.
E *short* has four substitutes: *ay*, says; *u*, bury; *i*, irksome; *ie*, friend.
I *long* has three substitutes: *y*, thyme; *ei*, Steinway; *oi*, choir.

I *short* has six substitutes: *y*, hyman; *e*, England; *u*, bury; *o*, women; *ea*, been; *ai*, captain.
O *long* has three substitutes: *eau*, beau; *ew*, sew; *ow*, goal.
O *short* has two substitutes: *a*, what; *ou*, knowledge.
U *long* has five substitutes: *eau*, beauty; *ieu*, lieu; *iew*, view; *ue*, new; *ui*, suit.
U *short* has three substitutes: *e*, her; *i*, sir; *o*, son.
F has two substitutes: *gh*, laugh; *ph*, philosophy.
J has two substitutes: *g*, rage; *di*, soldier.
S has two substitutes: *c* before *e*, *i*, and *y*; *s*, quarts.
T has one substitute: *ed* final, after any aspirate except *t*.
V has two substitutes: *f*, of; *ph*, Stephen.
W has one substitute: *u*, quick. It is understood before *o* in *one*, *once*.
X is used as a substitute for *ks*, as in *wax*; *gz* as in *exact*; *ksh*, as in *noxious*.
Y has one substitute: *i*, alien. It is frequently understood before *u*, as in *verdure*.
Z has three substitutes: *c*, sacrifice; *s*, his; *x*, Xenia.
CH has one substitute: *ti*, question.
SH has six substitutes: *ce*, ocean; *ci*, facial; *si*, losion; *ti*, motion; *ch*, chaise; *s*, sugar.
ZH has four substitutes: *si*, fusion; *zi*, brazier; *z*, azure; *s*, rasure.
NG has one substitute: *n*, generally before palatal sounds; as in *ink*, *uncle*, *conquer*.

which renders the task of acquiring the present system of English orthography one of the most difficult of human attainments to a native scholar, and so great to a foreigner as nearly to preclude the possibility of ever expecting to acquire it perfectly, thus "restricting the influence of English literature on the mind of the world."

The design of the Deseret system is to teach the spelling and reading of the English language in an easy manner. The principal feature is to reduce to simplicity English orthography, and to denude the words used of every superfluous character. In this system the child is taught the thirty-eight letters which represent the number of sounds heard in speaking the English language. Each letter of the alphabet represents a definite sound, as fixed as any one of the digits which invariably represent the same power. The acquirement of reading, therefore, is divested of the uncertainty, contradiction, and difficulty which attend the acquisition of the present system.

To discuss further this matter in an annual report would be inappropriate, but as the subject of orthography meets us at every step in the school-room, and as laudable efforts are being put forth to introduce this important and indispensable reform, the Superintendent could not do less than endorse a movement which augurs so much good to the cause of education. Could sufficient reasons be assigned for following in the footsteps of the fathers in this false system of orthography, we might forbear an innovation which completely upsets the present system, but to hold on to the same, and weave the web of inconsistency and falsehood around the feet of the present and future generations, which tradition and learned bigotry have woven around the past, would be to allow our children to turn round and have it truthfully to say of us as we can of our ancestors.

"Surely our fathers have inherited lies, vanity, and things wherein there was no prophet."

Respectfully submitted by,

ROB'T. L. CAMPBELL,
Territorial Superintendent of Schools.

SCHOOL STATISTICS, UTAH TERRITORY, 1868.

NAMES OF COUNTIES.	No. of Districts in County.	No of Districts reported.	No. of schools.	Grade of Schools.	No. of male Teachers.	No. of female Teachers.	No. of boys in county between 4 and 16 years.	No. of girls in county between 4 and 16 years.	Total children between 4 and 16 years.	No. of male scholars enrolled.	No. of female scholars enrolled.	Total enrolled.	Per centage of names enrolled.	Average daily attendance.	Per centage of school population actually attending school.	Amount paid to male teachers.	Amount paid female teacher.	Total amount paid to Teachers.	No. of months schools have been taught during the year.	Present condition of school houses.	Amount of building funds raised.	Amount of taxes appropriated to the use of schools.
				Primary	Common															Good		
Beaver	4	3	4		2	2	354	292	646	190	150	340	54	230	35½	1272 00	1265 00	2537 00	6¼		3000 00	
Box Elder	12	6	12		9	9	440	415	855	830	253	683	68¼	461	54	4084 00	2530 00	6614 00	7		2145 38	1400 00
Cache	15	14	15		12	8	762	774	1536	366	306	782	49½	620	40⅔	5008 00	2122 00	7230 00	9¾		4670 00	471 15
Davis	15	12	15		11	8	765	742	1507	478	372	850	56½	610	40½	10135 00	8981 00	19116 00	7¾		415 00	325 00
Salt Lake	48	30	48		29	27	2636	2454	5090	1242	1099	2341	46	1824	36	1800 00		1300 00	8¾		1000 00	
Iron	6	4	6		3	3	288	288	576	61	55	116	19⅓	102	17	1200 00	260 00	1200 00	8¾		300 00	
Juab	4	4	4		4	2	207	239	446	88	109	197	44⅔	141	37½	360 00		620 00	9		160 00	
Kane	2	2	2		2	2	150	165	315	81	84	165	52½	369	54¾	1711 00	885 00	2596 00	5⅝			
Millard	14	6	14		8	6	60	290	350	208	211	479	70⅓	94	60			4				
Morgan	3	3	3		3	1	391	99	490	68	47	115	73⅓									
Piute																						
Rich	5	4	5		4	1																
Sanpete	16	8	16		7	5	235	255	477	117	118	235	47	143	30	1040 00	890 00	1430 00	7		45 00	
Sevier	7	7	7		4	3	821	271	592	290	185	475	51½	207	39¼	1464 00	334 00	1798 00	5¾		60 00	
Summit	15	4	13		3	2	1856	1842	3698	1251	1231	2482	65½	1691	44⅓	8478 00	2625 00	1103 00	7⅓		750 00	850 00
Tooele	4	4	4		2	2	815	240	455	174	134	308	80	53	52	1285 00	1751 00	1460 00	7⅓			
Utah	15	15	15		5	6	739	686	1415	414	386	800	56¼	679½	48	4810 00	892 00	5202 00	7¾		4178 30	
Washington	18	15	18		11	6	900	861	1761	631	508	1139	68	668½	41	4490 83	2319 00	6809 83	7¾		2827 60	2665 00
Weber	15	14	15		11	8	1152	1084	2236	1130	1029	2159	78	1941	70	6000 00	2319 00	8319 00	8		1000 00	
Total	157	147	219		164	134	11524	10840	22364	6627	5829	12456	55¼	8779	37¾	51360 33	23824 00	75184 33	7⅛		19629 20	7891 15

* No report.

Mr. Farr presented the following report:

Committee Room, Salt Lake City, Feb. 18, 1869.

Mr. Speaker, and Members of the House:

Gentlemen:—Your committee on revision, to whom was referred the subject of getting up a set of forms for the use of the courts and officers in the Territory, would represent that the limited time of forty days, with the other duties devolving upon them, did not consider that they could get up a rule of forms that would be satisfactory.

Your committee would therefore respectfully ask leave to be discharged from further action upon that subject; but would recommend that there be a commission of two appointed to draw up a rule of forms at an early day.

LORIN FARR, Chairman.

On motion of Mr. Rockwood, the report was adopted, and the same laid upon the table as unfinished business.

Mr. Rockwood presented the following report:

Committee Room, February 19, 1869.

Hon. Orson Pratt, and Members of the House:

Gentlemen:—Your committee on roads, bridges, etc., to whom was referred the petition of Wm. Price and 21 others, praying for an appropriation to make a road in lower Salt Creek kanyon, respectfully report that as the session is so near its close, that there would not be sufficient time for a proper investigation of the subject; therefore we recommend that it lay over as unfinished business.

Respectfully submitted by your committee,

A. P. ROCKWOOD, Chairman.

On motion of Mr. Wright, the report was adopted, and the petition laid on the table as unfinished business.

Mr. Wright presented the following, which was unanimously adopted:

Resolved, that the thanks of this Assembly are hereby given to the Speaker, Hon. Orson Pratt, Sen., for the able, dignified, and impartial manner in which he has presided over its deliberations; and to the other officers for the satisfactory manner in which they have fulfilled the duties assigned to them.

J. C. WRIGHT.

The following message was received and read:

Executive Office, Utah Ter.
Salt Lake City, Feb. 19, 1869.

Hon. Orson Pratt, Speaker of the House:

Sir:—I have approved, signed and deposited in the office of the Secretary of the Territory, the following Acts:

"An Act further defining the duties of the Librarian."

"An Act to provide for the printing and distributing the Laws of the 16th, 17th, and 18th Annual Sessions," etc.

Very respectfully,

EDWIN HIGGINS,
Acting Governor.

The following message was received and read:

Council Chamber,
Salt Lake City, Feb. 19, 1860.

Hon. Orson Pratt, Sen., and
Members of the House, etc.

Gentlemen:—Councilors L. Snow and Wilford Woodruff are appointed a committee of conference on the part of the Council, to consider H. F. No. 21, "An Act further defining the duties of the Superintendent of the Salt Lake City and Wanship wagon road."

Very respectfully,
GEO. A. SMITH, President of the Council.

Mr. John Taylor presented the following report:

To the Speaker and Members
of the House of Representatives:

Gentlemen:—Your joint committee, to whom was referred "An Act further defining the duties of the Superintendent of the Salt Lake City and Wanship wagon road," having conferred with a like committee from the Council, beg leave to report the following amendment, and recommend your concurrence therein.

JOHN TAYLOR,
Chairman Joint Committee on the part of the House.

Said bill, "An Act further defining the duties of the Superintendent of the Salt Lake City and Wanship wagon road," was read as amended, and,

On motion of Mr. J. F. Smith, the amendments were adopted.

The following message was received and read:

Executive Office, Utah Ter.,
Salt Lake City, Feb. 19, 1869.

Hon. Orson Pratt, Speaker of the House:

Sir:—I have approved, signed and deposited in the office of the Secretary of the Territory, the following Acts:

"An Act for the protection of public thoroughfares."

"An Act supplementary to the act regulating the mode of procedure in civil cases in the courts of the Territory of Utah," approved Dec. 30, 1852.

Very respectfully,
EDWIN HIGGINS,
Acting Governor.

The following message from the Council was read:

Council Chamber,
Salt Lake City, Feb. 19, 1869.

Hon. Orson Pratt, Sen., and
Members of the House:

Gentlemen:—The council concurs in the amendment of the committee of conference, to H. F. No. 26, "An Act further defining the duties of the Superintendent of the Salt Lake City and Wanship wagon road.

Very respectfully,
GEO. A. SMITH, President of the Council.

The following message was received and read:

Executive Office, Utah Territory,
Salt Lake City, Feb. 19, 1869.

Hon. Orson Pratt, Speaker of the House:

Sir:—The act repealing an act entitled "An Act granting to Henry S. Alexander the right to establish a toll bridge or bridges across the Weber river in Summit county," is herewith returned to your Honorable body without approval.

It has been decided in the Supreme Court of the United States, in the case of the Dartmouth College, that where a franchise has been granted by a legislative body, it cannot revoke the grant, unless a special reservation of the revoking power is contained in the act creating the franchise; that it is a contract between the people represented by the Legislature and the person receiving it, and cannot be violated by divesting the grantee of the franchise granted.

The only reservation made by the Legislature in the Act giving the right to Mr. Alexander to construct bridges over the Weber river and collect toll from persons passing over the same, is contained in the sixth section of the Act and reads as follows:

Sec. 6. "nothing in this Act shall be so construed as to prevent the Legislative Assembly from altering or amending the same at pleasure.'

Very respectfully,
EDWIN HIGGINS, Acting Governor.

On motion of Mr. Thurber, the committee on roads, bridges, etc., were instructed to bring in a bill reducing the rate of toll seventy-five per cent. on the bridges in Summit county, granted by the Legislative Assembly to H. S. Alexander, for toll purposes.

The following message was received and read:

Council Chambers, Salt Lake City, Feb. 19, 1869.

Hon. Orson Pratt, Sen., and Members of the House:

Gentlemen:—The Council has passed the Territorial Appropriation Bill, as amended. Do you concur in the amendments?

Very respectfully,
GEO. A. SMITH, President of the Council.

Said Territorial appropriation bill was read as amended, and,

On motion of Mr. Thurber, a portion of the amendments to said bill was non-concurred in.

Mr. Rockwood, chairman of committee on roads, bridges, etc., reported as per instruction H. F. No. 40, "An act amendatory of an act amending an act entitled, an act granting to H. S. Alexander the right to establish a toll bridge or bridges across the Weber River, in Summit county," which was read the first time, and,

On motion of Mr. Thurber, said bill was read the second time, and,

On motion of Mr. John Taylor, said bill was read the third time by its title.

The title was read, approved, and the bill so passed.

The following message was received and read:

Council Chamber,
Salt Lake City, Feb. 19, 1869.

Hon. Orson Pratt, Sen., Speaker,
and Members of the House.

Gentlemen:—The Council concurs in your last item to the appropriation bill, but does not recede from Council amendments.

Very Respectfully,
GEO. A. SMITH, President of the Council.

On motion of Mr. Rich, the House receded from its former non-concurrence to said Territorial appropriation bill, and the bill was further amended.

A message was received from the Council, announcing their concurrence in H. F. No. 40, "An act amendatory of an act amending an act entitled, an act granting to H. S. Alexander the right to establish toll bridges across the Weber River, in Summit county."

The following message from the Council was read:

Council Chamber,
Salt Lake City, Feb. 19, 1869.

Hon. Orson Pratt, Sen., Speaker,
and Members of the House.

Gentlemen:—The Council concur in your amendments to the Territorirl appropriation bill.

Very Respectfully,
GEO. A. SMITH, President of the Council.

The following was received and read:

Executive Office, Utah Ter.,
Salt Lake City, Feb. 19, 1869.

Hon. Orson Pratt, Speaker of the House.

Sir.—Recognizing, as I do, the necessity for a well digested general Incorporation Law, I regret to be constrained to withhold my signature from the act entitled, "An act for general incorporations for pecuniary profit."

Whether wisely or unwisely, Congress, by the act of March 2d, 1867, has deemed it proper to restrict the Legislatures of the several Territories to the enactment of general incorporation laws for "Mining, Agricultural, and other industrial pursuits." The act herewith returned far transcends the most liberal construction which can be placed upon this restricted grant of power.

The first section provides that "Any two or more persons may become an incorporated body for the transaction of any lawful business," including mere mercantile adventures. Any two persons engaged in any business not in itself, or by statutory enactment, unlawful, may become incorporated and vested with all the extensive privileges conferred, or sougt to be conferred by this act. It is a rule of construction, too well settled by the courts to be passed unheeded, that the general words of a statute are controlled and limited by specifications thereinafter contained; and, also, that where there are particular words referring to persons, things, or pursuits, the addition of the words, "other persons, or things, or pursuits," applies only to others of a like character. It cannot be doubted, therefore, that the Territorial Legislature is restricted by the act of Congress, first, to the incorporation by general law of bodies for "mining, agricultural

Secondly, that "the other industrial pursuits" mentioned refer to pursuits or arts of industry of a similar character, requiring the expenditure of large capital, and not susceptible of being carried on by individual enterprise. In this view, and I respectfully submit that the rulings of the courts have been uniform on the subject, the most latitudinous construction of the act of Congress could not be held to authorize the Legislature to incorporate bodies for every, the most trivial, pursuit; yet, as before observed, the act herewith returned, in terms, would authorize such corporations if it became a law.

I may further remark, that even in the Sovereign States, under the most liberal constitutions, I have no remembrance, nor have I been able to find any instance, under either general or special laws, of incorporations for merely mercantile or trading operations. These seem to have been left to the individual enterprise and responsibility of citizens, as being within the scope of their means singly, or combined in partnership, or joint stock associations. I cannot doubt that the restrictions on Territorial Legislative authority, so manifestly embodied in the act of Congress referred to, were dictated by these views, and for similar reasons.

But I beg to call your attention to other, and perhaps not less serious defects in the proposed legislation. The act proposes to confer the enlarged privileges of incorporation on any two or more persons desiring it, for any lawful object whatever, and instead of guarding the interests of the public, by wholesome and necessary restrictions, throws down the defenses the law would otherwise secure for them, in dealing with natural persons or partnerships. The fifth clause of section two, empowers the corporation "to exempt the private property of its members from liability for corporate debts, except as herein otherwise declared," and the 7th clause of section five provides, that the notice to be published shall—and therefore may—state "whether private property is to be exempt from the corporate debts." Thus it is left to the option of the "two or more persons" becoming incorporated, to divest themselves from all liability for debts incurred, whereas if not incorporated, their individual liability, as members of a partnership, or joint stock association, would have been, at least, some guarantee that their debts would be paid.

I think it not improbable that the nineteenth section was designed to remedy so glaring an evil, and as some sort of preventive to abuse of the corporate privileges sought to be conferred; but a careful examination of the section has convinced me that it fails of its apparent object. Section 19 reads as follows: "Sec. 19.—Nothing herein contained shall exempt the stockholders of any corporation from individual liability, to the amount of the unpaid installment on the stock owned by them, or transferred by them for the purpose of defrauding creditors, and an execution against the company may to that extent be levied upon such private property of any individual." This would seem to make the stockholder individually liable to the extent of the "unpaid installments on the stock owned by him," but exempt him from all liability on his paid up stock, whether the latter had been dissipated or squandered, or not. It would be a wise, as it is a usual provision of such laws, to make the stockholders individually liable to the amount, or double the amount of their stock. But it will be observed that by the terms of the preceding section, the "two or more persons,"

upon filing their articles of incorporation in the County Recorder's Office, and publishing the required notice, thereby become a body corporate, and can commence business, although not a dollar may have been paid in as capital stock. All they have to do, so far as this is concerned, is to declare the proposed amount of their capital stock, and then it is provided that their debts shall not exceed two thirds of such declared capital stock; but there is no time fixed within which the whole amount, or any part of such capital stock shall be paid in. It is submitted that the omission of such needed provisions and checks, leaves too wide open the door for the most reckless and disastrous speculation on the part of any "two or more persons" who may desire to avail themselves of the liberal provisions of this act, or seek to shield themselves from responsity behind the law.

Again, the act, in my judgment, is defective in that it fails to provide specifically that the Legislature reserves the right, at all times, to alter, amend, modify, or repeal the law. Since the decision of the cases of the Dartmouth College against Woodward, 4th Wheaton, page 518, Charles River bridge against Warren bridge, 11 Peters, and others of like import, wherein the U. S. Supreme Court held such acts to be contracts, and within that great constitutional guarantee which secures contracts from being impaired by subsequent legislation, it has been the wise and uniform course of the Legislatures of the several States and Territories, to make such reservation in their general and special acts of incorporation. And it is submitted, that legislative bodies should not enact laws which may in the far future at least become burdensome on the people without retaining in their own hands the effective means of correcting abuses and evils which may not now be anticipated.

In the brief time allowed me for an examination of this act, one other objection has occurred to my mind, namely: that the corporate bodies permitted to be formed by the act, are not in any manner restricted as to the amount of real estate they may hold. It is usual in such laws, and I think it a wise provision, to restrict all corporate bodies for ordinary purposes, to the purchase and hoiding of real estate sufficient for the objects for which they may be organized.

Very Respectfully,

EDWIN HIGGINS,
Acting Governor.

The following message was received and read:

Council Chamber,
Feb. 19, 1869.

Hon. Orson Pratt, Sen., Speaker, and
Members of the House.

Gentlemen:—The table of the Council is clear.

Very Respectfully,
GEO. A. SMITH, President of the Council.

On motion of Mr. Rowberry, the Council were notified that the House table was clear of business.

The following document was received and read:

Executive Office, Utah Ter.,
Salt Lake City, Feb. 19, 1869.

Hon. Orson Pratt, Speaker of the House:

Sir:—I have approved, signed, and deposited in the office of the Secretary of the Territory, the following acts:

"An act further defining the duties of the Superintendent of the Salt Lake City and Wanship Wagon Road."

"An act providing for the incorporation of Railroad Companies, and the management of the affairs thereof."

"An act amendatory of an act amending an act entitled, An act granting to H. S. Alexander the right to establish a toll bridge or bridges across the Weber River, in Summit County."

"An act entitled the Territorial Appropriation Bill."

Very Respectfully,

EDWIN HIGGINS,
Acting Governor.

On motion of Mr. Maughan, the Speaker appointed Messrs. John Taylor and E. Reese a committee on the part of the House to act with a like committee from the Council, to wait upon the acting Governor, and ascertain if he had any further communications to make to the Assembly.

Mr. Taylor, chairman of joint committee on the part of the House, appointed to wait upon the Governor, reported they had waited upon the Governor, who had no further communication to make to the Assembly.

On motion of Mr. Thurber, the House dissolved.

Benediction by Mr. Young.

ERRATA:

Page 59, line 15, after the words Salt Lake City, read "and the County Court of Salt Lake County."